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DICKINSON WRIGHT PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

MAR 23 2011

PCT LEGAL ADMINISTRATION

In re Application of ZHANG et al :
U.S. Application No.: 11/813,208 :
PCT Application No.: PCT/CN2006/002424 :
Int. Filing Date: 18 September 2006 :
Priority Date Claimed: none :
Attorney Docket No.: 39062-19 :
For: BIT MAPPING SCHEME FOR AN LDPC :
CODED 32APSK SYSTEM :

DECISION

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 21 January 2011.

BACKGROUND

On 18 September 2006, applicant filed international application PCT/CN2006/002424. A copy of the international application was communicated to the USPTO from the International Bureau on 27 March 2008. The thirty-month period for paying the basic national fee in the United States expired on 18 March 2009.

On 29 June 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 October 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 May 2010, applicant filed a petition under 37 CFR 1.47(a).

On 21 July 2010, this Office mailed a decision dismissing the 28 May 2010 petition.

On 21 January 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Jilong Li refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Li for signature and that Li actually received such papers (see statement of

Jilong Li dated 20 December 2010). Furthermore, the petition sufficiently illustrates that Li refuses to sign. In particular, Li made an express written refusal to sign in the statement dated 20 December 2010. Therefore, it can be concluded that Li refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 28 May 2010.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Jilong Li
Academy of Broadcasting Science, SARFT
No. 2 Fuxingmenwai Ave.
Beijing 100038
CHINA

MAILED

MAR 23 2011

PCT LEGAL ADMINISTRATION

In re Application of ZHANG et al
U.S. Application No.: 11/813,208
PCT Application No.: PCT/CN2006/002424
Int. Filing Date: 18 September 2006
Priority Date Claimed: none
For: BIT MAPPING SCHEME FOR AN LDPC
CODED 32APSK SYSTEM

Dear Jilong Li:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

DICKINSON WRIGHT PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006
Attorney Docket No.: 39062-19



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HAZEN PATENT GROUP, LLC
1534 W. ISLANDIA DRIVE
GILLBERT, AZ 85233

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of

Tzony SIEGAL

Application No. 11/813,213

Filed: July 2, 2007

Attorney Docket No. **3201/12**

:
:
: " DECISION ON PETITION TO MAKE
: SPECIAL UNDER 37 CFR 1.102(c)(1)
:
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 26, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification of attorney Mark Friedman attesting to the age of inventor Tzony Siegal. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to Technology Center Art Unit 3733 for processing commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/813,265	05/18/2008	Yan Fang	09548.1106USWO	9879

52835 7590 07/11/2011
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

EXAMINER

SASAN, ARADHANA

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
07/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JUL 11 2011

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of:
Yan Fang
Serial No.: 11/813,265
Filed: July 2, 2007
Attorney Docket No.: 09548.1106USWO

DECISION ON PETITION TO
REMAIL AND RESTART TIME

This is in response to applicant's request which is being treated as a petition of June 21, 2011 under 37 CFR. § 1.181(a) requesting remailing of the non-final Office action of May 25, 2011 and restarting the time due to non-receipt of the Office action.

A review of the file history shows that the examiner mailed an Office action to applicant on May 25, 2011, setting a three-month statutory time period for reply.

Applicant states that the Office action of May 25, 2011 was never received and provides as evidence thereof a copy of the attorney docket report where the Office action would have been entered if received, showing non-receipt of the Office action. Based on the evidence presented, it is concluded that applicant never received the Office action. In view thereof, the Office action of May 25, 2011 will be remailed and the statutory time period for reply will be restarted.

Applicant's petition is **GRANTED**. The application will be forwarded to the examiner for prompt remailing of a new Office action.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH PA 15222

MAILED

DEC 22 2011

OFFICE OF PETITIONS

In re Patent No. 7,995,233 :
Issued: August 9, 2011 :
Application No. 11/813,384 :
Filed: August 16, 2008 :
Attorney Docket Number: 5553-072436 :

ON PETITION

This is a decision on the petition, filed November 28, 2011, under 37 CFR 3.81(b)¹ to correct the assignee information on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the name of the third assignee was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee in the instant matter. Accordingly, petitioner requests that a certificate of correction be issued to reflect the name of **PEKING UNIVERSITY, BEIJING (CN)** on the front page of the Letters Patent.

In view thereof, and since Office assignment records reflect that **PEKING UNIVERSITY, BEIJING (CN)** is also an assignee of record, the request complies with the provisions of 37 CFR 3.81(b) and it is therefore appropriate for a certificate of correction to issue.

The petition fee in the amount of \$130.00 and the fee for the certificate of correction in the amount of \$100 have been applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ See Official Gazette of June 22, 2004



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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

MAILED
NOV 24 2010
PCT LEGAL ADMINISTRATION

In re Application of HOLLADAY et al
U.S. Application No.: 11/813,408
PCT Application No.: PCT/US2005/047699
Int. Filing Date: 30 December 2005
Priority Date Claimed: 05 January 2005
Attorney Docket No.: 80663.244356

For: SILVER/WATER, SILVER GELS AND
SILVER-BASED COMPOSITIONS; AND
METHODS FOR MAKING AND USING
THE SAME

DECISION

This is in response to the correspondence filed 13 October 2010, which is being treated as petitions under 37 CFR 1.181, 1.137(b), and 1.183.

BACKGROUND

On 30 December 2005, applicant filed international application PCT/US2005/047699, which claimed priority of an earlier United States application filed 05 January 2005. The thirty-month period for paying the basic national fee in the United States expired on 05 July 2007.

On 05 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 March 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 September 2008, applicant filed a declaration listing four inventors.

On 20 November 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 26 September 2008 failed to list two inventors who are listed in the international application.

On 19 December 2008, applicant filed a declaration listing six inventors.

On 07 July 2010, this Office mailed a communication which stated that the application is abandoned for failure to file a proper response to the Notification of Defective Response.

On 13 October 2010, applicant filed the instant petitions under 37 CFR 1.181, 1.137(b), and 1.183.

DISCUSSION

I. Petition under 37 CFR 1.181

The petition states that the holding of abandonment was in error because applicant believed that a complete response had been made to the Notification of Defective Response. The petition further states that an additional Notification of Defective Response should have been mailed. However, a proper response to the Notification of Defective Response would have been a declaration executed by all of the inventors (or legal representatives, as appropriate). That a proper response to the Notification of Defective Response was not timely submitted is not in dispute. Because a proper response was not timely filed, the application was properly held abandoned. Petitioner's mistaken belief that a proper response had been filed is irrelevant. Furthermore, there is no basis for petitioner's assertion that an additional Notification of Defective Response should have been mailed.

II. Petition under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has not provided the required reply under 35 U.S.C. 371. In particular, a proper reply would be a declaration executed by all of the living inventors and by the legal representative of the deceased inventor.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay in this case was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

III. Petition under 37 CFR 1.183

The petition requests that the Office accept the 26 September 2008 declaration executed by the now deceased inventor. However, as noted in the petition, such declaration fails to list all of the inventors as required by 37 CFR 1.497. Since the death of an inventor is specifically provided for in 37 CFR 1.42, waiver of 37 CFR 1.497 would not be appropriate. Pursuant to 37 CFR 1.42, the legal representative of the deceased inventor may execute the declaration. Whether the legal representative has title to the present invention is not relevant to the requirements of 37 CFR 1.497.

CONCLUSION

For the reasons in §I above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

For the reasons in §II above, the petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

For the reasons in §I above, the petition under 37 CFR 1.183 is DISMISSED without prejudice.

If reconsideration on the merits of the petitions is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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ALEXANDRIA, VA 22313-1450
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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FEB 28 2011

In re Application of HOLLADAY et al
U.S. Application No.: 11/813,408
PCT Application No.: PCT/US2005/047699
Int. Filing Date: 30 December 2005
Priority Date Claimed: 05 January 2005
Attorney Docket No.: 80663.244356

PCT LEGAL ADMINISTRATION

For: SILVER/WATER, SILVER GELS AND
SILVER-BASED COMPOSITIONS; AND
METHODS FOR MAKING AND USING
THE SAME

DECISION

This is in response to the correspondence filed 20 January 2011, which is being treated as a renewed petition under 37 CFR 1.137(b) and a request for status under 37 CFR 1.42.

BACKGROUND

On 30 December 2005, applicant filed international application PCT/US2005/047699, which claimed priority of an earlier United States application filed 05 January 2005. The thirty-month period for paying the basic national fee in the United States expired on 05 July 2007.

On 05 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 March 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 September 2008, applicant filed a declaration listing four inventors.

On 20 November 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 26 September 2008 failed to list two inventors who are listed in the international application.

On 19 December 2008, applicant filed a declaration listing six inventors.

On 07 July 2010, this Office mailed a communication which stated that the application is abandoned for failure to file a proper response to the Notification of Defective Response.

On 13 October 2010, applicant filed petitions under 37 CFR 1.181, 1.137(b), and 1.183.

On 24 November 2010, this Office mailed a decision dismissing the 13 October 2010 petitions.

On 20 January 2011, applicant filed the instant renewed petition under 37 CFR 1.137(b) along with a request for status under 37 CFR 1.42.

DISCUSSION

I. Petition under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

Applicant previously satisfied items (2), (3), and (4) above.

With regard to item (1), applicant has not provided the required reply under 35 U.S.C. 371. In particular, the declaration filed with the renewed petition is not acceptable as discussed in §II below.

II. Request for Status under 37 CFR 1.42

The request states that joint inventor Dilip Mehta is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative

of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 20 January 2011 fails to state the citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Furthermore, the name of the legal representative is not clearly printed on page one of the declaration. Specifically, instead of the name of the legal representative appearing on page one and the signature of the legal representative appearing on page two, it appears that the signature of the legal representative appears on both page one and page two.

CONCLUSION

For the reasons in §I above, the renewed petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

For the reasons in §II above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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JUN 23 2011

PCT LEGAL ADMINISTRATION

In re Application of HOLLADAY et al
U.S. Application No.: 11/813,408
PCT Application No.: PCT/US2005/047699
Int. Filing Date: 30 December 2005
Priority Date Claimed: 05 January 2005
Attorney Docket No.: 80663.244356
For: SILVER/WATER, SILVER GELS AND
SILVER-BASED COMPOSITIONS; AND
METHODS FOR MAKING AND USING
THE SAME

DECISION

This is in response to the renewed petition under 37 CFR 1.137(b) and renewed request for status under 37 CFR 1.42 filed 27 April 2011.

BACKGROUND

On 30 December 2005, applicant filed international application PCT/US2005/047699, which claimed priority of an earlier United States application filed 05 January 2005. The thirty-month period for paying the basic national fee in the United States expired on 05 July 2007.

On 05 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 March 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 September 2008, applicant filed a declaration listing four inventors.

On 20 November 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 26 September 2008 failed to list two inventors who are listed in the international application.

On 19 December 2008, applicant filed a declaration listing six inventors.

On 07 July 2010, this Office mailed a communication which stated that the application is abandoned for failure to file a proper response to the Notification of Defective Response.

On 13 October 2010, applicant filed petitions under 37 CFR 1.181, 1.137(b), and 1.183.

On 24 November 2010, this Office mailed a decision dismissing the 13 October 2010 petitions.

On 20 January 2011, applicant filed a renewed petition under 37 CFR 1.137(b) along with a request for status under 37 CFR 1.42.

On 28 February 2011, this Office mailed a decision dismissing the 20 January 2011 petition and request.

On 27 April 2011, applicant filed the instant renewed petition under 37 CFR 1.137(b) and renewed request for status under 37 CFR 1.42.

DISCUSSION

I. Petition under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

Applicant previously satisfied items (2), (3), and (4) above.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

II. Request for Status under 37 CFR 1.42

The request states that joint inventor Dilip Mehta is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the

following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 27 April 2011 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons in §I above, the renewed petition under 37 CFR 1.137(b) is GRANTED.

For the reasons in §II above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 December 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 April 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



United States Patent and Trademark Office

Dr. BANGER SHIA
Patent Office of Bang Shia
102 Lindencrest Ct.
Sugar Land TX 77479-5201

MAILED

JUL 27 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Choi
Application No.: 11/813,426
PCT No.: PCT/CN2005/001496
Int. Filing Date: 19 September 2005
Priority Date: 21 January 2005
Attorney Docket No.: SW-971421 (SW-67)
For: Foldable Bed Unit

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DECISION

This is with regard to the petition to withdraw the holding of abandonment, filed on 16 February 2011.

BACKGROUND

This international application was filed on 19 September 2005, designated the United States, and claimed an earliest priority date of 21 January 2005. The International Bureau transmitted a copy of the published international application to the USPTO on 27 July 2006. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 21 July 2007. Applicant timely filed *inter alia* the basic national fee on 05 July 2007.

On 20 November 2007, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an acceptable English translation and the processing fee under 37 CFR 1.492(i).

On 03 December 2007, applicants filed a response.

On 05 March 2008, a Filing Receipt and a Notification of Defective Response (Form PCT/DO/EO/916) were mailed.

On 26 March 2008, applicants filed a response.

On 15 February 2011, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Notification mailed on 20 November 2007.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment, on the basis that applicants allegedly timely replied to the requirements of both the Notification of Missing Requirements and the Notification of Defective Response. Review of the record reveals that applicants responded to the Notification of Missing Requirements on 03 December 2007 by providing a translated claim set and the \$130.00 processing fee under 37 CFR 1.492(i). The

Application No.: 11/813,426

-2

Notification of Defective Response mailed on 05 March 2008 stated that the \$185.00 multiple dependent claim surcharge was required, but applicants paid said surcharge on 26 March 2008. As such, the Notification of Abandonment mailed on 15 February 2011 was issued in error, and it is hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. The electronic records of the USPTO (PALM) will be updated to show the status of the application as pending, not abandoned. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **03 December 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



United States Patent and Trademark Office

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
PO BOX 7021
TROY MI 48007-7021

MAILED

DEC 21 2010

In re Application of
Hildebrand et al.
Application No.: 11/813,436
PCT No.: PCT/EP2005/013848
Int. Filing Date: 22 December 2005
Priority Date: 07 January 2005
Attorney Docket No.: FEVG-11402/08
For: Cooling Jacket For A Cylinder Head

PCT LEGAL ADMINISTRATION

DECISION

This is with regard to the correspondence filed on 29 August 2008.

BACKGROUND

This international application was filed on 22 December 2005, designated the United States, and claimed an earliest priority date of 07 January 2005. The International Bureau transmitted a copy of the published international application to the USPTO on 13 July 2006. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 07 July 2007. Applicants timely paid the basic national fee.

On 28 November 2007, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "07/19/2007" were mailed to counsel.

DISCUSSION

Counsel requests correction of the filing receipt to show a "filing date" of "07/06/2007." Review of the record reveals that the correspondence filed on 06 July 2007 included a copy of a declaration pursuant to PCT Rule 4.17(iv). However, this declaration appears to have been executed later than the international filing date (it did not accompany the initial filing of the international application). In addition, it did not explicitly identify the international application number to which it was directed. As such, this declaration is not acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

Further review reveals that another declaration was filed on 19 July 2007. This declaration was compliant with 37 CFR 1.497(a) and (b). As such, the 35 U.S.C. 371(c)(1), (2) and (4) date of the application is 19 July 2007, as reflected on the filing receipt and Notice of Acceptance mailed on 28 November 2007. Accordingly, it would not be appropriate to grant the requested relief on the basis of the present record.

DECISION

The request is **DISMISSED**, without prejudice.

Application No.: 11/813,436

-2

No response is required. If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/

George Dombroske

PCT Legal Examiner

Office of PCT Legal Administration

Tel: (571) 272-3283



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JEROME D. JACKSON (JACKSON PATENT LAW OFFICE)
211 N. UNION STREET, SUITE 100
ALEXANDRIA VA 22314

MAILED

SEP 22 2010

In re Application of
Matzuzzi
Application No. 11/813,513
Filed: May 4, 2008
Attorney Docket No. 185.002

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OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the renewed petition, filed July 7, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed July 24, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on February 2, 2010. A petition filed under 37 CFR 1.181 was dismissed on June 18, 2010.

Petitioner asserts that the non-final Office action dated July 24, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

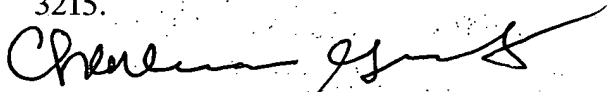
See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2181 for re-mailing the non-final Office action of July 24, 2009. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



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SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 ALEXANDER BELL DRIVE, SUITE 200
RESTON, VA 20191

MAILED
AUG 26 2010
OFFICE OF PETITIONS

In re Application of :
Masahiko KONDO, et al. :
Application No. 11/813,534 : DECISION GRANTING PETITION
Filed: July 9, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **70404.166/MA** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 24, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 5, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/813,672	07/10/2007	David Burton	CQ10312	5799
23373 7590 05/03/2011 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
			EXAMINER CWERN, JONATHAN	
			ART UNIT 3737	PAPER NUMBER
			NOTIFICATION DATE 05/03/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
BURTON, DAVID	:	DECISION ON REQUEST TO
Application No. 11/813,672	:	PARTICIPATE IN PATENT
Filed: Jul. 10, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. CQ10312	:	PILOT PROGRAM AND PETITION
For: ULTRASOUND DIAGNOSIS AND	:	TO MAKE SPECIAL UNDER
TREATMENT APPARATUS	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(a), originally filed Apr. 10, 2011, to make the above-identified application special.

The request and petition are **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Brian Casler, the SPE of Art Unit 3737 at 571-272-4956 for Class 600/453 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/813,672	07/10/2007	David Burton	CQ10312	5799
23373 7590 06/16/2011 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER CWERN, JONATHAN	
			ART UNIT 3737	PAPER NUMBER
			NOTIFICATION DATE 06/16/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/813,672	07/10/2007	David Burton	CQ10312	5799

23373	7590	05/03/2011
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037		

EXAMINER	
CWERN, JONATHAN	

ART UNIT	PAPER NUMBER
3737	

NOTIFICATION DATE	DELIVERY MODE
05/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Re-mailed

ht 6/10/10



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
BURTON, DAVID	:	DECISION ON REQUEST TO
Application No. 11/813,672	:	PARTICIPATE IN PATENT
Filed: Jul. 10, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. CQ10312	:	PILOT PROGRAM AND PETITION
For: ULTRASOUND DIAGNOSIS AND	:	TO MAKE SPECIAL UNDER
TREATMENT APPARATUS	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(a), originally filed Apr. 10, 2011, to make the above-identified application special.

6/10/11 The request and petition are ~~dismissed~~ *granted*. *MM*

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Brian Casler, the SPE of Art Unit 3737 at 571-272-4956 for Class 600/453 and also accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/813,676	07/11/2007	Pierre Jean Ribeyron	310813US6PCT	5844
22850 7590 01/06/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DUONG, KHANH B	
			ART UNIT 2822	PAPER NUMBER
			NOTIFICATION DATE 01/06/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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Paper No. 01/03/11

Oblon, Spivak, McClelland Maier & Neustadt, L.L.P.
1940 Duke St
Alexandria, VA 22314

In re Application of: Ribeyron et al.
Serial No.: 11/813676
Filed: 11 July 2007

:
: PETITION FOR CORRECTION OF
: INVENTORSHIP
: UNDER 37 CFR § 1.48(a)
:

This is a decision on the petition filed 15 November 2010 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

In view of the papers filed 15 November 2010 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by adding:

Pere Roca I. Cabarrocas and Jerome Damon-Lacoste

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.


Zandra V. Smith
Supervisory Patent Examiner,
Art Unit 2822



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Alexandria, VA 22313-1450
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Decision Date : August 1,2011

In re Application of :

Christopher Helal

Application No : 11813779

Filed : 12-Dec-2007

Attorney Docket No : PH05100

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed August 1,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11813779	
Filing Date	12-Dec-2007	
First Named Inventor	Christopher Helal	
Art Unit	1624	
Examiner Name	EBENEZER SACKY	
Attorney Docket Number	PH05100	
Title	11C-LABELED BENZYL-LACTAM COMPOUNDS AND THEIR USE AS IMAGING AGENTS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/CHRISTINE LEE/
Name	CHRISTINE LEE
Registration Number	42788



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MCGARRY BAIR PC
32 Market Ave. SW
SUITE 500
GRAND RAPIDS, MI 49503

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Bolbolan	:	DECISION ON APPLICATION
Application No. 11/813,822	:	FOR PATENT TERM ADJUSTMENT
378(c) Date: July 12, 2007	:	
Attorney Docket No. 71533-0034	:	

This is in response to the "Request for Reconsideration of Patent Term Adjustment Under 35 U.S.C. § 154 and 37 C.F.R. § 1.705(b)" filed April 30, 2010. Applicant requests the initial determination of patent term adjustment be corrected from zero (0) days to four hundred thirty-four (434) days.

The application for patent term adjustment is **granted to the extent indicated herein.**

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 408 days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) on March 29, 2010, advising Applicant of a patent term adjustment to date of 0 days. In response, applicants timely filed this application for patent term adjustment prior to payment of the issue fee.

Applicant requests the patent term adjustment be corrected to 434 days. Specifically, Applicant states an Office action was not issued until 14 months and 434 days "after the §371(c) filing date of July 12, 2007."

Pursuant to 37 C.F.R. § 1.703(a)(1), the period of adjustment of patent term due to examination delay includes:

The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

M.P.E.P § 2731 states,

The requirements of 35 U.S.C. 371 are met when applicant has met all of the requirements of 35 U.S.C. 371(c) and, unless applicant requests early processing under 35 U.S.C. 371(f), the time limit set forth in the applicable one of PCT Articles 22 and 39 has expired.

The application met the requirements of 35 U.S.C. § 371(c) on July 12, 2007. However, the requirements of 35 U.S.C. § 371 were not met on July 12, 2007, because Applicant did *not* request early processing of the application under 35 U.S.C. § 371(f) and the time limit set forth in the applicable one of PCT Articles 22 and 39 did not expire until August 8, 2007. The application fulfilled the requirements of 35 U.S.C. § 371 on August 8, 2007.

The number of days beginning October 9, 2008, the day after the date 14 months after the date the application fulfilled the requirements of 35 U.S.C. § 371, and ending November 20, 2009, the date the Office issued a non-final Office action, is 408 days.

In view of the prior discussion, the patent term adjustment as of the mailing date of the notice of allowance is 408 days, which is 408 days of Office delay reduced by 0 days of Applicant delay.

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of REVISED PALM screen



Patent Term Adjustments



PTA/PTE Information **Patent Term Adjustment** Patent Term Extension

Application Number*: 11813822

[Search](#)

[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTE Calculations for Application: 11813822

Application Filing Date 07/12/2007	Overlapping Days Between (A and B) or (A and C) 0
Issue Date of Patent	Non-Overlapping USPTO Delays: 0
A Delays 0	PTO Manual Adjustment 408
B Delays 0	Applicant Delay (APPL) 0
C Delays 0	Total PTE (days) 408

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
48	09/20/2010		P020	Adjustment of PTA Calculation by PTO	408	0	
38	03/29/2010		HM/E	Mail Notice of Allowance	0	0	
37	03/24/2010		IREV	Issue Revision Completed	0	0	
36	03/24/2010		N/E	Notice of Allowance Data Verification Completed	0	0	
35	03/24/2010		DVER	Document Verification	0	0	
34	03/24/2010		CNTA	Notice of Allowability	0	0	
33	03/22/2010		FWDX	Data Forwarded to Examiner	0	0	
32	02/19/2010		A...	Response after Non-Final Action	0	0	
31	02/19/2010		EMLNTR	Email Notification	0	0	
30	02/19/2010		HEXIN	Mail Examiner Interview Summary (PTOL: 413)	0	0	
29	02/10/2010		EXIN	Examiner Interview Summary/Record (PTOL: 413)	0	0	
28	11/20/2009		ELC_RVW	Electronic Review	0	0	
27	11/20/2009		EMLNTR	Email Notification	0	0	
26	11/20/2009		MCTNF	Mail Non-Final Rejection	0	0	
25	11/17/2009		CTNFP	Non-Final Rejection	0	0	
18	07/23/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete	0	0	
17	07/23/2009		DOCK	Case Docketed to Examiner in GAU	0	0	
14	05/22/2008		PG-ISSUE	PG-Pub Issue Notification	0	0	
10	03/02/2008		OIPE	Application Dispatched from OIPE	0	0	
8	02/19/2008		PGPC	Sent to Classification Contractor	0	0	
7	02/19/2008		FLRCP/0	Filing Receipt	0	0	
6	02/19/2008		M903	Notice of DO/EO Acceptance Mailed	0	0	
9	08/08/2007		371COMP	371 Completion Date	0	0	
5	07/19/2007		L194	Cleared by OIPE CSR	0	0	
4	07/19/2007		SCAN	IFW Scan of PACR Auto Security Review	0	0	
0	07/13/2007		DUMHY	Dummy Standard Action - DO NOT DELETE	0	0	
23	07/12/2007		IDSC	Information Disclosure Statement Considered	0	0	
16	07/12/2007		RCAP	Reference capture on IDS	0	0	
15	07/12/2007		M844	Information Disclosure Statement (IDS) Filed	0	0	
13	07/12/2007		A-PE	Preliminary Amendment	0	0	
12	07/12/2007		C602	Oath or Declaration Filed (Including Supplemental)	0	0	
11	07/12/2007		C614	New or Additional Drawing Filed	0	0	
3	07/12/2007		WIDS	Information Disclosure Statement (IDS) Filed	0	0	
1	07/12/2007		1EXX	Initial Exam Team nn	0	0	

Export to: Excel



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MCGARRY BAIR PC
32 Market Ave. SW
SUITE 500
GRAND RAPIDS, MI 49503

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Patent of Bolbolan	:	
Patent No. 7,819,379	:	DECISION ON PETITION
Issue Date: October 26, 2010	:	AND NOTICE OF INTENT TO
Application No. 11/813,822	:	ISSUE CERTIFICATE OF
378(c) Date: July 12, 2007	:	CORRECTION
Attorney Docket No. 71533-0034	:	

This is in response to the paper filed November 24, 2010, which is being treated as a petition under 37 C.F.R. § 1.181.

The petition under 37 C.F.R. § 1.181 is **granted to the extent indicated herein**.

The Office will *sua sponte* issue a certificate of correction setting for a patent term adjustment of 487 days. Pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, Patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to file any response disputing the 487-day determination. No extensions of time will be granted under 37 C.F.R. § 1.136.

No portion of this decision should be construed as a waiver of the requirement, set forth in 35 U.S.C. § 154(b)(4), that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. § 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Background

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) on March 29, 2010, advising Patentee of a patent term adjustment to date of 0 days.

Patentee timely filed a petition under 37 C.F.R. § 1.705(b) on April 30, 2010. The Office issued a decision granting the petition on September 21, 2010. The decision stated the correct patent term adjustment at the time the Office mailed the Notice of Allowance was 408 days, which consisted solely of 408 days of delay under 37 C.F.R. § 1.703(a)(1).

The Office mailed an "Issue Notification" on October 6, 2010, indicating the patent would issue with a patent term adjustment determination of 487 days, which was based on the following determinations:

1. The period of delay under 37 C.F.R. § 1.703(a)(1) ("A1 Delay") is 408 days;
2. The period of delay under 37 C.F.R. § 1.703(a)(6) ("A6 Delay") is 16 days;
3. The period of delay under 37 C.F.R. § 1.703(b) ("B Delay") is 79 days; and
4. The periods of A6 Delay and B Delay overlap by 16 days.

The patent issued on October 26, 2010. The patent set forth a patent term adjustment of 895 days.

The patent term adjustment set forth on the patent is 408 days greater than the patent term adjustment identified in the Issue Notification. Petitioner asserts the Office incorrectly counted the same 408-day period of delay twice. A petition under 37 C.F.R. § 1.181 may be used to argue a patent should have set forth the patent term adjustment term determination identified in a previously mailed Issue Notification. Therefore, the Office will consider the propriety of the Office increasing the patent term adjustment identified in the Issue Notification by 408 days when issuing the patent.

A review of the record confirms the Office increased the Issue Notification by 408 days as a result of the Office improperly counting the same 408-day period of A1 Delay twice. The correct patent term adjustment is 487 days as identified in the Issue Notification.

The petition appears to argue the period of B Delay is 80 days, not 79 days, and argue the periods of A6 Delay and B Delay do not overlap. However, Petitioner has not filed a request under 37 C.F.R. § 1.705(d) or the required \$200 fee. Therefore, the Office will not consider the merits of either argument.

The instant matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **four hundred eighty-seven (487)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,819,379 B2
APPLICATION NO. : 11/813,822
DATED : October 26, 2010
INVENTOR(S) : Daren Bolbolan

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 895 days.

Delete the phrase "by 895 days" and insert -- by 487 days--



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OFFICE OF PETITIONS

**GLAXOSMITHKLINE
GLOBAL PATENTS
FIVE MOORE DR., PO BOX 13398
MAIL STOP: C.2111F
RESEARCH TRIANGLE PARK NC 27709-3398**

In re Application of :
Ognjen Culic et al. :
Application No. 11/813,873 : **DECISION ON PETITION**
Filed: July 13, 2007 :
Attorney Docket No. **PLP588USW** :

This is a decision on the petition under 37 CFR 1.182, filed, August 31, 2010, to change the name of inventor "Vesna Erakovic" to -- Vesna **Haber** -- and "Marija Leljak" to -- Marija **Ribic** --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

When changes are being made to information supplied in a previously filed Oath or Declaration applicants are strongly encouraged to submit a supplemental application data sheet (ADS) showing the change of the inventors names. The newly submitted application data sheet (ADS) must be titled "Supplemental Application Data Sheet". See 37 CFR 1.76(c)(2) and MPEP § 605.04(c).

The fee for a petition under 37 CFR 1.182 to change the name of the inventor is \$400. However, the \$130 petition fee submitted will be applied towards the \$400 petition fee. Therefore, the balance of \$270 will be charged to petitioner's deposit account as authorized.

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1623 for the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/813,873	07/13/2007	1623	2250	PLP588USW	34	5

CONFIRMATION NO. 8327

CORRECTED FILING RECEIPT



OC000000043640957

23347
GLAXOSMITHKLINE
GLOBAL PATENTS
FIVE MOORE DR., PO BOX 13398
MAIL STOP: C.2111F
RESEARCH TRIANGLE PARK, NC 27709-3398

Date Mailed: 09/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ognjen Culic, Zagreb, CROATIA;
Martina Bosnar, Zagreb, CROATIA;
Nikola Marjanovic, Zagreb, CROATIA;
Dubravko Jelic, Samobor, CROATIA;
Sulejman Alihodzic, Zagreb, CROATIA;
Vanja Vela, Zagreb, CROATIA;
Zorica Marusic-Istuk, Samobor, CROATIA;
Vesna Haber, Rijeka, CROATIA;
Berislav Bosnjak, Zagreb, CROATIA;
Boska Hrvacic, Zagreb, CROATIA;
Marija Tomaskovic, Zagreb, CROATIA;
Vesna Munic, Velika Gorica, CROATIA;
Vanesa Ivetic, Zagreb, CROATIA;
Antun Hutinec, Zagreb, CROATIA;
Goran Kragol, Zagreb, CROATIA;
Marija Ribic, Durmanec, CROATIA;

Power of Attorney: The patent practitioners associated with Customer Number 23347

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IB06/01238 01/13/2006
which claims benefit of 60/643,841 01/13/2005
and claims benefit of 60/715,828 09/09/2005

Foreign Applications

If Required, Foreign Filing License Granted: 06/05/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/813,873**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Macrolides With Anti-Inflammatory Activity

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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SEP 27 2011

OFFICE OF PETITIONS

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
PO BOX 3001
BRIARCLIFF MANOR NY 10510-8001

In re Application of :
Grez : DECISION ON PETITION
Application No. 11/813,918 :
Filed: July 13, 2007 :
Atty. Dkt. No.: US030197US2 :

This decision is in response to the petition to revive under 37 CFR 1.137(b), filed September 16, 2011.

The petition is **GRANTED**.

This application became abandoned September 4, 2011 for failure to timely reply to the Notice of Allowance (Notice) mailed June 3, 2011. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed September 20, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

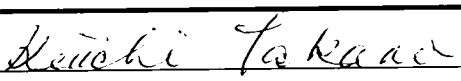
Nonprovisional Application Number or Control Number (if applicable): 11/813928	Patent Number (if applicable):
First Named Inventor: Junko TSUKADA	Title of Invention: INJECTION FOR MASTITIS

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date <u>April 21, 2011</u>
Name <small>Keiichi TAKANO Representative of NIPPON ZENYAKU KOGYO CO., LTD</small> (Print/Typed)	Practitioner Registration Number
Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

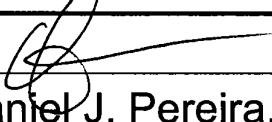
Nonprovisional Application Number or Control Number (if applicable): 11/813,928	Patent Number (if applicable):
First Named Inventor: Junko TSUKADA	Title of Invention: INJECTION FOR MASTITIS

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date May 4, 2011
Name (Print/Typed) Daniel J. Pereira, Ph.D.	Practitioner Registration Number 45,518
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input checked="checked" type="checkbox"/> *Total of <u>1</u> forms are submitted.	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of :
Tsukada et al. :
Application No. 11/813,928 : **DECISION ON PETITION**
Filed: February 14, 2008 :
Attorney Docket No. 311585US0PCT :

This is a decision on the request filed April 26, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **DISMISSED**.

As set forth in the announcement, the Office action or notice will be re-mailed and the period for response will be restarted if:

- (1) The patent application or reexamination proceeding is pending in the USPTO as of March 11, 2011, and a reply to an Office action (final, non-final, or other), a notice of allowance, or other Office notice is outstanding;
- (2) One or more inventors, an assignee or a correspondence address is in the area of Japan affected by the earthquake and resultant tsunami of March 11, 2011;
- (3) The period for response has not yet expired; and
- (4) Applicant requests relief. The request must be made by using the form PTO/SB/425 or be accompanied by a copy of the announcement.

The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The use of the form PTO/SB/425 or the inclusion of a copy of the announcement will be treated as a representation that the need for the reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011.

The instant petition lacks item (4) listed above.

The request must be signed by:

- 1) An attorney or agent of record appointed in compliance with § 1.34(b);
- 2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
- (5) All of the applicants (§§ 1.42.1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.**

The request as signed cannot be accepted since Keiichi Takano is not authorized to sign the instant request. Currently, there is no Statement under 37 CFR 3.73(b) of record in the instant application for the current assignee. (form enclosed)

Accordingly, the request cannot be accepted until it is signed by all inventors, an attorney or agent registered to practice before the U.S. Patent and Trademark Office or the assignee of the entire interest under 37 CFR 3.73(b).

Consequently, the request cannot be accepted at this time. Accordingly, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/96



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Tsukada et al.	:	
Application No. 11/813,928	:	DECISION ON PETITION
Filed: February 14, 2008	:	
Attorney Docket No. 311585US0PCT	:	

This is a decision on the renewed request filed May 4, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 27, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1629 for re-mailing the Office action of December 27, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/813,984	07/13/2007	Shinichi Uchikawa	03500.134096.	9437

5514 7590 08/12/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

MCNALLY, MICHAEL S

ART UNIT	PAPER NUMBER
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2436

MAIL DATE	DELIVERY MODE
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08/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FITZPATRICK CELLA HARPER &
SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of: Shinichi Uchikawa
Application No. 11/813,984
Filed: July 13, 2007
For: Printing Apparatus and Information
Processing Apparatus

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

MAILED

AUG 12 2010

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the Japanese application(s);
- b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
- c. A statement that the English translation is accurate;

(3) Applicant must:

- a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
- b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
- b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Application SN 11/813,984
Decision on Petition

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11813989	
Filing Date	13-Jul-2007	
First Named Inventor	Sang Lee	
Art Unit	2614	
Examiner Name	PHYLESHA DABNEY	
Attorney Docket Number	551190-0002	
Title	Sliding Hinge Device, Personal Portable Device Having the Sliding Hinge Device and Method of Manufacturing the Sliding Hinge Device	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 24187		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Shell-Line Co. Ltd. Shell-Line Bldg., 18B/7L, 752	
Address	Inui District, Inui-dong, Gumi-si	
City	Gyeongsangbuk-do	
State		
Postal Code	730-320	
Country	KR	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/Chandra E. Garry/

Name

Chandra E. Garry

Registration Number

57895



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 20, 2012

In re Application of :

Sang Lee

Application No : 11813989

Filed : 13-Jul-2007

Attorney Docket No : 551190-0002

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 20, 2012

The request is **APPROVED**.

The request was signed by Chandra E. Garry (registration no. 57895) on behalf of all attorneys/agents associated with Customer Number 24187 . All attorneys/agents associated with Customer Number 24187 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Shell-Line Co. Ltd.
Name2 Shell-Line Bldg., 18B/7L, 752
Address 1 Inui District, Inui-dong, Gumi-si
Address 2
City Gyeongsangbuk-do
State
Postal Code 730-320
Country KR

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

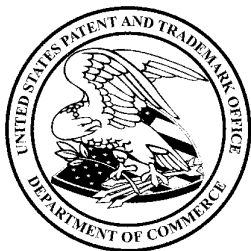
Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS		
Application Number	11813990		
Filing Date	13-Jul-2007		
First Named Inventor	Sang Lee		
Art Unit	2614		
Examiner Name	PHYLESHA DABNEY		
Attorney Docket Number	551190-0001		
Title	Sliding Hinge Device, Personal Portable Device Having The Sliding Hinge Device And Method Of Manufacturing The Sliding Hinge Device		
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		24187 _____	
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)			
Certifications			
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment			
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled			
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond			
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:			
Name	Shell-Line Co., Ltd. Shell-Line Bldg., 18B/7L, 752		
Address	Inui District, Inui-dong, Gumi-si		
City	Gyeongsangbuk-do		
State			
Postal Code	730-320		
Country	KR		

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Chandra E. Garry/
Name	Chandra E. Garry
Registration Number	57895



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 20, 2012

In re Application of :

Sang Lee

Application No : 11813990

Filed : 13-Jul-2007

Attorney Docket No : 551190-0001

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 20, 2012

The request is **APPROVED**.

The request was signed by Chandra E. Garry (registration no. 57895) on behalf of all attorneys/agents associated with Customer Number 24187 . All attorneys/agents associated with Customer Number 24187 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Shell-Line Co., Ltd.
Name2 Shell-Line Bldg., 18B/7L, 752
Address 1 Inui District, Inui-dong, Gumi-si
Address 2
City Gyeongsangbuk-do
State
Postal Code 730-320
Country KR

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**HUA QIAO UNIVERSITY
QUANZHOU
FUJIAN 36202-1 CN CHINA**

MAILED

NOV 05 2010

In re Application of
Jihuai Wu et al.
Application No. 11/814,077
Filed: July 16, 2007
Attorney Docket No. 17456

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 19, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 20, 2010. A Notice of Abandonment was mailed on November 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1767 for appropriate action by the Examiner in the normal course of business on the reply received October 5, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 1, 2011

In re Application of :

Takashi Yuzawa

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11814147

Filed : 17-Jul-2007

Attorney Docket No : Q102640

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 1, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2121 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11814147	
Filing Date	17-Jul-2007	
First Named Inventor	Takashi Yuzawa	
Art Unit	2121	
Examiner Name	SUNRAY CHANG	
Attorney Docket Number	Q102640	
Title	POSITIONING DEVICE AND POSITIONING METHOD WITH NON-CONTACT MEASUREMENT	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/ Nataliya Dvorson /
Name	Nataliya Dvorson
Registration Number	56616

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11814156	
Filing Date	24-Sep-2008	
First Named Inventor	Mikkel Skou	
Art Unit	3761	
Examiner Name	XIN XIE	
Attorney Docket Number	606-159-PCT-PA	
Title	APPARATUS FOR DISPENSION OF LIQUID	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22145		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Mikkel J. R. Skou I-Shine Danmark APS	
Address	Wienervej 12	
City	Virum	
State		
Postal Code	DK-2830	
Country	DK	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

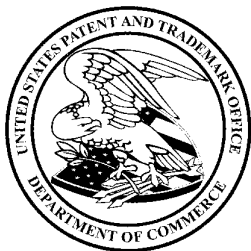
/HJK/

Name

Howard J. Klein

Registration Number

28727



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : July 28,2011

In re Application of:

Mikkel Skou

Application No : 11814156

Filed : 24-Sep-2008

Attorney Docket No : 606-159-PCT-PA

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 28,2011

The request is **APPROVED**.

The request was signed by Howard J. Klein (registration no. 28727) on behalf of all attorneys/agents associated with Customer Number 22145 . All attorneys/agents associated with Customer Number 22145 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Mikkel J. R. Skou
Name2 I-Shine Danmark APS
Address 1 Wienervej 12
Address 2
City Virum
State
Postal Code DK-2830
Country DK

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED
JAN 20 2012
OFFICE OF PETITIONS

In re Patent No. 8,051,268
Issued: November 1, 2011
Application No. 11/814,202
Filed: July 18, 2007
Attorney Docket No. P32512

:DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705 (d)", filed December 30, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 469 to 858 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is being considered in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

Patentee argues that the USPTO used the incorrect date for the commencement of the U.S. national stage. The USPTO should have used July 18, 2007 as the commencement date (filing date), pursuant to the fact that Patentee properly filed an Express Request under 371(f) and timely completed the 371(c)(1), (2) and (4) requirements, as opposed to the date that was actually used by the USPTO (namely, January 29, 2008, which date is thirty months from the earliest priority date). Patentee further notes that the PTA associated with 35 USC 154(b)(1)(A) ("A" type delay) is also incorrect, based on the same commencement date error.

Applicant's arguments have been considered, but not found to be persuasive.

The period of examination delay, "A" delay, pursuant to 37 CFR 1.702(a)(1) is 446 days calculated from January 29, 2008, the 371 completion date. The delay pursuant to 37 CFR 1.702(b) is 25 days based on a national stage commencement date under 35 U.S.C. 371(f) of January 29, 2008, not July 18, 2007, the filing date. Accordingly, the "B" delay period, the over three year period begins on January 29, 2011, three years from the date the national stage commenced under 35 U.S.C. 371(f), and ends on February 23, 2011, the day before the RCE was filed.

Applicants also dispute the reduction of 2 days for the response filed September 20, 2010. The USPTO mailed a non-final rejection to the applicants on June 18, 2010, setting a shortened statutory period of three months to reply. The three month response date fell on Saturday, September 18, 2010, which was a weekend day. The applicants filed a response to the non-Final office action on September 20, 2010, the next business day.

In *Arqule v. Kappos*, __ F.Supp.2d __ (D.D.C. 2011), the District Court of the District of Columbia ruled that the 35 U.S.C. § 21 (b) "weekend add holiday" exception applies to "any action" including the § 154(b)(2)(C). Accordingly, because September 18, 2010 was a Saturday, the time period to calculate Applicant delay commenced on September 20, 2010 rather than September 20, 2010. Therefore, a delay of 2 days was accrued, corresponding to the time period between September 18, 2010 (three months after the mailing date of the Office Action, in accordance with 37 CFR §1.704(b)) and September 20, 2010. Applicants respectfully request the Office to remove the 2 days of Applicant delay and correct the total Applicant delay from 2 days to 0 days.

The reduction is being reconsidered and, based upon the decision in the *Arqule* case, it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. §21(b) is not warranted. Accordingly, the period of reduction of 2 days is being removed.

Thus, instead of a 2 day reduction for applicant delay pursuant to 37 C.F.R. §1.704(b), 0 days should have been accorded for applicant delay.

In view thereof, the patent term adjustment is 471 (446 "A delay days" + 25 "B delay days"), not 858 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(d).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred seventy-one (471) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P" and a long, sweeping underline.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,051,268 B2
DATED : November 1, 2011
INVENTOR(S) : Masahiro Nakanishi

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (469) days

Delete the phrase "by 469 days" and insert – by 471 days--



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1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED
APR 19 2012
OFFICE OF PETITIONS

In re Patent No. 8,051,268
Issued: November 1, 2011
Application No. 11/814,202
Filed: July 18, 2007
Attorney Docket No. P32512

:DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR PARTIAL RECONSIDERATION OF DECISION ON REQUEST FOR PATENT TERM ADJUSTMENT AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION", filed February 16, 2012. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 471 to 858 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is being considered in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

Patentee argues that the USPTO used the incorrect date for the commencement of the U.S. national stage. The USPTO should have used July 18, 2007 as the commencement date (filing date), pursuant to the fact that Patentee properly filed an Express Request under 371(f) and timely completed the 371(c)(1), (2) and (4) requirements, as opposed to the date that was actually used by the USPTO (namely, January 29, 2008, which date is thirty months from the earliest priority date). Patentee further notes that the PTA associated with 35 USC 154(b)(1)(A) ("A" type delay) is also incorrect, based on the same commencement date error.

Patentee's arguments have been reconsidered and found to be persuasive.

The period of examination delay, "A" delay", pursuant to 37 CFR 1.702(a)(1) is 858 days calculated from July 18, 2007, the 371 fulfillment date. The delay pursuant to 37 CFR 1.702(b) is 220 days based on a national stage commencement date under 35 U.S.C. 371(f) of July 18, 2007, the filing date. Accordingly, the "B" delay period, the over three year period begins on July 18, 2010, three years from the date the national stage commenced under 35 U.S.C. 371(f), and ends on February 23, 2011, the day before the RCE was filed.

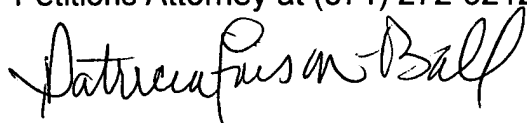
In view thereof, the patent term adjustment is 858 (638 "A delay days" + 220 "B delay days").

The \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(d) has been previously paid and has been posted.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **eight hundred fifty-eight (858) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,051,268 B2

DATED : November 1, 2011

INVENTOR(S) : Masahiro Nakanishi

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (471) days

Delete the phrase “by 471 days” and insert – by 858 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

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September 22, 2011

POLSINELLI SHUGHART PC
100 SOUTH FOURTH STREET
SUITE 1000
SAINT LOUIS MO 63102-1825

Re Application of
ACHILEFU, SAMUEL
Application: **11/814215**
Filed: **09/18/2008**
Attorney Docket No: **047563-118869**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 18, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

MAILED

DEC 10 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Kiser, Samuel D. :
Application No. 11/814,244 :
Filed: December 12, 2007 :
Attorney Docket No. 4107-072557 :

This is a notice regarding your request, November 10, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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John S. Pratt, Esq.
Kilpatrick Townsend & Stockton, LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

MAILED

MAY 11 2011

OFFICE OF PETITIONS

In re Application of

Ali Marashi, et. al.

Application No. 11/814,351

Filed: April 20, 2009

Attorney Docket No. 52224/347041

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed April 20, 2011.

The request is **NOT APPROVED**.

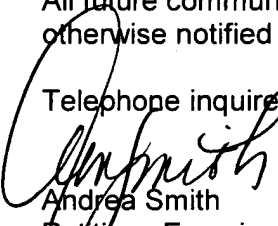
The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71¹*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. Therefore, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

There is an Office action mailed March 17, 2011, that requires a reply from the applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: James L. Scott
Warner Norcross & Judd, LLP
900 Fifth Third Center, 111 Lyon Street, NW
Grand Rapids, MI 49503-2487

¹ An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.



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PEARNE & GORDON, LLP
1801 EAST 9TH STREET, SUITE 1200
CLEVELAND, OH 44114-3108

MAILED
AUG 02 2010
OFFICE OF PETITIONS

In re Application of :
Jacques DUCHAMP, et al. :
Application No. 11/814,354 : DECISION GRANTING PETITION
Filed: July 19, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **GAMB-42484** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 30, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 14, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3728 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Patent No. 7,750,810
Issue Date: July 6, 2010
Application No. 11/814,424
Filed: July 20, 2007
Attorney Docket No. 311662US28PCT

DECISION ON PETITION

This is a decision on the Petition For Certificate Of Correction Under 37 CFR § 1.183, filed July 26, 2010, which is being treated as a Petition Under 37 CFR 3.81(b), to accept the correct assignee's name. A completed Certificate of Correction Form was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL-85B and such error was a clerical error. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,750,810
Application No. 11/814,424
Decision on Petition under 37 CFR 3.81

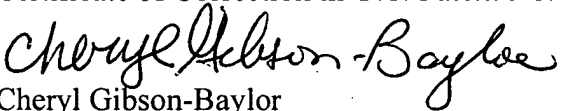
Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form submitted with the Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,750,810.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

JUL 20 2011

OFFICE OF PETITIONS

In re Patent No. 7,645,328
Issue Date: 01/12/2010
Application No. 11/814,444
Filed: 11/16/2007
Attorney Docket No. 20496-574

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 3.81(b) filed April 2, 2010.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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**MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903**

**MAILED
NOV 02 2011
OFFICE OF PETITIONS**

In re Application of	:
Daniel Gaureault	:
Application No. 11/814,457	: DECISION ON PETITION
Filed: July 20, 2007	: UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. 07297.0471USWO	:

This is a decision on the petition under 37 CFR 1.313(c), filed November 1, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

The amendment submitted herewith petition cannot be considered, a request for continued examination in compliance with 37 CFR 1.114 is required.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to Terri Johnson at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of :
Daniel Gaudreault :
Application No. 11/814,457 : DECISION GRANTING PETITION
Filed: July 20, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07297.0471USWO :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 9, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 19, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3725 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

22 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

In re Application of LONSDALE	:	
U.S. Application No.: 11/814,638	:	
PCT Application No.: PCT/GB2006/000257	:	
Int. Filing Date: 25 January 2006	:	DECISION
Priority Date Claimed: 25 January 2005	:	
Attorney Docket No.: 5884-2	:	
For: IMPROVEMENTS RELATING TO	:	
BANKNOTE VALIDATION	:	

This is in response to applicant's second renewed petition under 37 CFR 1.47(b) filed on 28 July 2010.

BACKGROUND

On 25 January 2006, applicant filed international application PCT/GB2006/000257, which claimed priority of an earlier United Kingdom application filed 25 January 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 03 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 25 July 2007.

On 24 July 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 November 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 23 December 2009, applicant filed a petition under 37 CFR 1.47(b).

On 24 February 2010, this Office mailed a decision dismissing the 23 December 2009 petition.

On 04 June 2010, applicant filed a renewed petition under 37 CFR 1.47(b).

On 23 June 2010, this Office mailed a decision dismissing the 04 June 2010 petition.

On 28 July 2010, applicant filed the instant second renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner previously satisfied items (1)-(4) and (6).

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f).

In the present case, item (C) above applies. With respect to item (C), MPEP 409.03(f) states,

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

The petition states that Innovative Technology Limited ("ITL") has proprietary interest in the present application. Thus, petitioner must show a chain of title from the inventor Peter Lonsdale to ITL. Petitioner previously provided a legal memorandum which states that a court of competent jurisdiction would award title to the present invention to ITL. A copy of the

relevant statute has been provided. The memorandum's conclusion is based on the assumption that Mr. Lonsdale made the present invention during the normal course of his employment with ITL. The present renewed petition is accompanied by an affidavit from Peter Dunlop, i.e. a person who personally observed Mr. Lonsdale making the present invention during Mr. Lonsdale's employment with ITL. Therefore, it can be concluded with reasonable certainty that ITL has sufficient proprietary interest in the present application.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.47(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 25 January 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 February 2010.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

22 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Peter Lonsdale
1 Firsby Street
Levenshume, Manchester
M19 3FB
United Kingdom

In re Application of LONSDALE
U.S. Application No.: 11/814,638
PCT Application No.: PCT/GB2006/000257
Int. Filing Date: 25 January 2006
Priority Date Claimed: 25 January 2005
For: IMPROVEMENTS RELATING TO
BANKNOTE VALIDATION

Dear Peter Lonsdale :

You are named as the inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137
Attorney Docket No.: 5884-2



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Paper No.

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

MAILED

JAN 31 2011

In re Application of	:	OFFICE OF PETITIONS
Wahren et al.	:	
Application No. 11/814,643	:	DECISION ON PETITION
Filed: May 6, 2008	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.137(a)
15754.0006USWO	:	
Title: COMPOSITION COMPRISING A	:	
POWDER CONTAINING	:	
MICROENCAPSULATED	:	
POLYUNSATURATED LONG-CHAIN	:	
ESTERIFIED FATTY ACIDS	:	
DISTRIBUTED IN AN EFFERVESCENT	:	
BASE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on December 22, 2010, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed May 27, 2010, which set a non-extendable period for reply of one month. No response was received. Accordingly, the above-identified application became abandoned June 28, 2010.

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that

Decision on petition pursuant to Rule 1.137(a)

the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v.*

Decision on petition pursuant to Rule 1.137(a)

Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Emphases added.

Analysis

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(1);
- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and a statement of facts.

Petitioner has met requirements (1) and (2) of Rule 1.137(a). The fourth requirement is not applicable, as a terminal disclaimer is not required.¹

Regarding the third requirement of Rule 1.137(a), the record does not support a finding that the entire period of delay was unavoidable. Applicant has alleged that the Office communication was not received,² and has set forth that a search of the "records in Mercant & Gould P.C.'s docketing system" indicates that the Office action was not received.³ However Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, the statement Petitioner has provided describing the system used for recording an Office communication received at the correspondence address of record with the USPTO does not establish that the docketing system is sufficiently reliable.

¹ See Rule 1.137(d).

² Claflin statement of facts, paragraphs 4 and 6-7.

³ Id. at 6.

Decision on petition pursuant to Rule 1.137(a)

More specifically, Petitioner has established that Office correspondence is reviewed by individuals in Petitioner's mailroom and docketing department, and communications which require docketing are entered into a computerized docketing system, which "calculates the response dates to the office communication."⁴ However, the statement is silent as to how this docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner. Does this computerized docketing system generate reports that are distributed to the responsible attorneys/agents? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys/agents?

Second, Petitioner has not provided a copy of the record(s) used by the practitioner where the allegedly non-received notice would have been entered had it been received.

Third, Petitioner has not provided a copy of the master docket, or stated that no such master docket exists and submitted other forms of evidence referenced in the portion of the MPEP reproduced above.

Conclusion

Any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,⁵ hand-delivery,⁶ or facsimile.⁷ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁸

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything

⁴ Id. at 5.

⁵ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁶ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

⁷ (571) 273-8300: please note this is a central facsimile number.

⁸ <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Decision on petition pursuant to Rule 1.137(a)

else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.⁹ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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Paper No.

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of :
Wahren et al. :
Application No. 11/814,643 : DECISION ON RENEWED PETITION
Filed: May 6, 2008 : PURSUANT TO
Attorney Docket No. : 37 C.F.R. § 1.137(a)
15754.0006USWO :
Title: COMPOSITION COMPRISING A :
POWDER CONTAINING :
MICROENCAPSULATED :
POLYUNSATURATED LONG-CHAIN :
ESTERIFIED FATTY ACIDS :
DISTRIBUTED IN AN EFFERVESCENT :
BASE :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(a), filed on February 24, 2011, to revive the above-identified application. A supplement to this petition was received on May 6, 2011.

The renewed petition pursuant to 37 C.F.R. § 1.137(a) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed May 27, 2010, which set a non-extendable period for reply of one month. No response was received. Accordingly, the above-identified application became abandoned June 28, 2010.

Procedural History and Analysis

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office

Decision on renewed petition pursuant to Rule 1.137(a)

- action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(1);
 - (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
 - (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on December 22, 2010, along with an amendment, the petition fee, and a statement of facts.

The original petition was dismissed via the mailing of a decision on January 31, 2011, which indicated that requirements (1) and (2) of Rule 1.137(a) had been satisfied, and that the fourth requirement is not applicable, as a terminal disclaimer is not required.¹

With this renewed petition, Petitioner has established that incoming mail is sorted in the central mail room into "correspondence that may require docketing and correspondence that does not require docketing."² Mail that requires docketing is entered into a computerized docketing system, which generates daily docket reports that are distributed to the responsible attorney/agent every business morning.³ The computerized docketing system further generates six-week reminder reports,⁴ and it is noted that the renewed petition suggests, but does not explicitly state, that these six-week reminder reports are distributed to the responsible attorneys and agents. Petitioner has further included a copy of the record used by the practitioner where the allegedly non-received notice would have been entered had it been received⁵ and a copy of the master docket.⁶

With the supplement to the renewed petition, Petitioner has further clarified that the relevant Office correspondence was not misfiled when the docketing department sorted the incoming

1 See Rule 1.137(d).

2 Claflin declaration of facts submitted with renewed petition, paragraph 5.

3 *Id.* at 1-2

4 *Id.* at 7.

5 Exhibit B, submitted concurrently with this renewed petition.

6 Exhibit C, submitted concurrently with this renewed petition.

Decision on renewed petition pursuant to Rule 1.137(a)

mail into two groups,⁷ and has explained why there is a listing on the master docket that does not have a serial number associated with it.

It follows that the third requirement of Rule 1.137(a) has been satisfied.

Conclusion

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was submitted to the Office on December 22, 2010 can receive further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.⁸ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

⁷ Claflin declaration of facts submitted with the supplement to the renewed petition, paragraph 7.

⁸ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

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**EDWARD LANGER
C/O SHIBOLETH YISRAELI ROBERTS ZISMAN & CO.
1 PENN PLAZA-SUITE 2527
NEW YORK NY 10119**

**MAILED
DEC 07 2010
OFFICE OF PETITIONS**

In re Application of :
Shalom Levin :
Application No. 11/814,677 : **DECISION ON PETITION**
Filed: July 25, 2007 :
Attorney Docket No. 2218 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 30, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 31, 2009. A Notice of Abandonment was mailed May 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3742 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions



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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED

MAR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
AL-SARI, Mishal Hamid et al.	:	
Application No.: 11/814,710	:	DECISION ON
PCT No.: PCT/GB2006/000260	:	
Int. Filing Date: 26 January 2006	:	PETITION
Priority Date: 26 January 2005	:	
Attorney Docket No.: 07-737	:	UNDER 37 CFR 1.42
For: REDUCING DRUG DEPENDENCE OR	:	
ADDICTION	:	

This decision responds to applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 21 January 2009.

BACKGROUND

On 16 October 2008, the Office mailed Decision On Petition Under 37 CFR 1.42, refusing applicants' request for status as the declaration did not comply with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

On 21 January 2009, applicants filed a new declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration lists the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. The declaration satisfies 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

Application No. 11/814,710

-2-

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

MAILED

JUN 10 2011

In re Patent No. 7,777,929	:	OFFICE OF PETITIONS
Issue Date: August 17, 2010	:	
Application No. 11/814,717	:	ON PETITION
Filed: July 25, 2007	:	
Attorney Docket No. ZALEVSKY9	:	

This is a decision on the petition filed June 2, 2011, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is DISMISSED.

Petitioner requests issuance of a certificate of correction in the name of "Bar Ilan University."

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. See also MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment from the inventor to Bar Ilan University was recorded on May 11, 2011, after the date of issuance of this patent. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction with respect to assignee data would not be proper.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3205.

/ALESLIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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December 6, 2011

Patent No. : 7,988,961 B2
Appl. No. : 11/814,739
Inventor(s) : Mark Farrar, et al.
Issued : August 2, 2011
Title : **GUT COMMENSAL BACTERIUM AND METHODS OF USING THE SAME**
Docket No. : **9052-260**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322.

A petition under C.F.R. 1.182 is required to correct the alleged errors in spelling or order of inventor's names, since inventor's names are printed solely in accordance with the type-written names, and in the order of the type-written names on the Declaration, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct names in correct order, be indicated on the Declaration or Oath, no correction is in order here under the provisions of Rule 1.322 or 1.323 (required fee currently \$100), unless a petition is granted.

In view of the foregoing, your request, in this mater, is hereby denied.

A certificate of correction will be issued to correct the remaining errors in your request.

However, a petition under 37 CFR 1.182 (required fee currently \$130) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct the order of inventors, , no additional fee is required.

Antonio Johnson

For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of :
Clinton L. Jones, et al. :
Application No. 11/814,757 : DECISION GRANTING PETITION
Filed: May 19, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 60649US007 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 6, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 10, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1795 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent No. : 8,025,934 B2
Serial No. : 11/814,757
Inventor(s) : Jones, Clinton L.
Issue : September 27, 2011

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged error(s) in column 28, line 11-14 is printed in accordance with the record.

In view of the foregoing, your request in this matter is hereby denied.

Any petition under 37 CFR 1,182 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or Fax number.

By Mail: Commissioner of Patents and Trademarks
Box DAC
Washington, DC 20231

By Fax: (703) 308-6916
Attn: Office of Petitions

The patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently \$100.00).

A certificate of correction will issue the remaining errors noted in your request.

Eva James
For Mary Diggs
Decisions & Certificate
of Correction Branch
(571-272-3422 or 703-756-1580)

Office of Intellectual Property Counsel
3M Innovative Properties Company
3M Center- P.O. Box 33427
Saint Paul, Minnesota 55133-3427

ej

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/5/12

TO SPE OF : ART UNIT 3773

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/814,765 Patent No.: 8021374

CofC mailroom date: 2/2/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Should the changes be made?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved** **All changes apply.**

☐ **Approved in Part**

*Specify below which changes **do not** apply.*

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Corrine McDermott/
SPE

3773
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
De Kock et al. : DECISION ON APPLICATION
Application No. 11/814,958 : FOR PATENT TERM ADJUSTMENT
Filed: July 27, 2007 :
Attorney Docket No. 026038.0309PTUS. :

This is in response to the "Application for Patent Term Adjustment Including Request for Reconsideration Under 37 CFR § 1.705(b)" filed January 7, 2011. Applicants request the initial determination of patent term adjustment be corrected from four hundred seventy-one (471) days to five hundred thirty-four (534) days.

The application for patent term adjustment is **dismissed**.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) advising Applicants of a patent term adjustment to date of 471 days, which is the sum of 366 days of delay under 37 C.F.R. § 1.703(a)(1) and 105 days of delay under 37 C.F.R. § 1.703(a)(2).

The instant application for patent term adjustment was timely filed with payment of the issue fee on January 7, 2010.

Applicants assert the patent term adjustment should be at least 534 days, which is the sum 366 days of delay under 37 C.F.R. § 1.703(a)(1), 105 days of delay under 37 C.F.R. § 1.703(a)(2), and 64 days of delay under 37 C.F.R. § 1.703(b) reduced by one day of delay under 37 C.F.R. § 1.704(b).

Delay Under 37 C.F.R. § 1.703(b)

To the extent applicants request reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the request is premature.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See 37 C.F.R. § 1.702(b). (This is true even where a request for continued examination (RCE)

was filed). The computer will not undertake the 37 C.F.R. § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 C.F.R. § 1.702(a)(4) or applicant delay under 37 C.F.R. § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 C.F.R. § 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature.

Rather than file an application for patent term adjustment under 37 C.F.R. § 1.705(b) contesting the 37 C.F.R. § 1.702(b) calculation at the time of the mailing of the notice of allowance, an applicant may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 C.F.R. § 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 C.F.R. § 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 C.F.R. § 1.705(d) and must include payment of the required fee under 37 C.F.R. § 1.18(e).

Delay Under 37 C.F.R. § 1.704(b)

Applicants state the period of Applicants' delay under 37 C.F.R. § 1.704(b) is one day because Applicants failed to respond to a notice or action within three months of the date the notice or action was mailed. Applicants do not identify the specific notice or action at issue.

The Office has reviewed the record and has not found any instance in which Applicants failed to file a response to a notice or action within three months of the mailing date of the notice or action. Therefore, the Office does not agree the period of delay under 37 C.F.R. § 1.704(b) is one day.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 C.F.R. § 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 C.F.R. § 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 C.F.R. § 1.705(b) and 35 U.S.C. § 154(b)(3)(B). A dispute as to the calculation of the 37 C.F.R. § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 C.F.R. § 1.705(d) will be dismissed as untimely filed.

Conclusion

In view thereof, the correct patent term adjustment at the time of mailing of the notice of allowance remains 471 days.

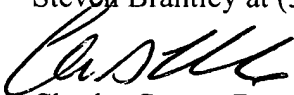
Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

Applicants are reminded that any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the instant application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person who signed the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: B. Dell Chism
Patton Boggs LLP
9th Floor
8484 Westpark Dr.
McLean, VA 22102



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID A. EINHORN, ESQ.
DAKER & HOSTELER, LLP
45 ROCKEFELLER PLAZA
NEW YORK, NY 10111

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of
Keon Yong Yoon, et al.
Application No. 11/814,969
Filed: July 27, 2007
Attorney Docket No. DE1767

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petitions, filed July 13, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application, or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

This application was held abandoned for failure to reply to the Notice of Non-compliant Amendment mailed November 13, 2009, which set a one (1) month or thirty (30) day shortened statutory period for reply. A Notice of Abandonment was mailed on June 23, 2010.

The petition under 37 CFR 1.181 is **DISMISSED**.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the docket record where the non-received Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition fails to satisfy item 3. In this regard, petition does not include a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received.

As to the petition under 37 CFR 1.137(b):

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition under 37 CFR 1.137(b) is **GRANTED**.

As authorized, the \$1620 fee required by 37 CFR 1.137(b) will be charged to petitioner's Deposit Account No. 504581.

Telephone inquiries concerning this decision should be directed to April M., Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Technology Center.

This application is being referred to the Technology Center for further processing in accordance with this decision on petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

JAN 28 2011

SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE MN 55110-3205

PCT LEGAL ADMINISTRATION

In re Application of	:	
MAYER, Daniel W., et al.	:	
Application No.: 11/815,060	:	
PCT No.: PCT/US2005/045132	:	
Int. Filing Date: 13 December 2005	:	DECISION
Priority Date: 02 February 2005	:	
Attorney's Docket No.: MCN227USPT02	:	
For: INSTRUMENT AND METHOD ...	:	
SEALED PACKAGING	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 23 November 2010. It has been treated as a petition under 37 CFR 1.181. The petition fee will be refunded to deposit account no. 19-2020.

A review of the application indicates that the appropriate search and examination fees were \$0 and \$0, after issuance of the corrected written opinion. The \$100 examination fee and \$50 search fee will be refunded to deposit account no. 19-2020, as authorized.

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**POWER DEL VALLE LLP
233 WEST 72 STREET
NEW YORK NY 10023**

MAILED

MAR 23 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Krzysztof Skiba
Application No. 11/815,129
Filed: July 31, 2007
Attorney Docket No. 257.805

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 11, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 12, 2010. A Notice of Abandonment was mailed December 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2885 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POWER DEL VALLE LLP
233 WEST 72 STREET
NEW YORK NY 10023

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Application of :
Krzysztof Skiba :
Application No. 11/815,129 : DECISION ON PETITION
Filed: July 31, 2007 :
Attorney Docket No. 257.805 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 29, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, June 23, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 26, 2011. A Notice of Abandonment was mailed February 6, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$465.00 and the submission required by 37 CFR 1.114; (2) the petition fee of \$930.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 2885 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11815194	
Filing Date	31-Jul-2007	
First Named Inventor	Daiji Hara	
Art Unit	1621	
Examiner Name	JENNIFER SAWYER	
Attorney Docket Number	Q103025	
Title	CYCLIC SILOXANE COMPOUND, A MATERIAL FOR FORMING SI-CONTAINING FILM, AND ITS USE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

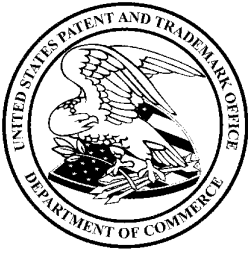
- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Bruce E. Kramer/
Name	Bruce E. Kramer
Registration Number	33725



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 3, 2012

In re Application of :

Daiji Hara

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11815194

Filed : 31-Jul-2007

Attorney Docket No : Q103025

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 3, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1621 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

X

DATE : October 3, 2011

TO SPE OF : ART UNIT 1722

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/815205 Patent No.: 7910281

CofC mailroom date: 8-23-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Magdalene Talley

Certificates of Correction Branch

571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

G. R. Kelly
SPE

1722
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 5,2011

In re Application of :

Helmut Korber

Application No : 11815218

Filed : 01-Aug-2007

Attorney Docket No : WBT-06-101

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 5,2011

The request is **APPROVED**.

The request was signed by Laurence A. Greenberg (registration no. 29308) on behalf of all attorneys/agents associated with Customer Number 24131 . All attorneys/agents associated with Customer Number 24131 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Helmut Koerber
Name2
Address 1 Friedensstrasse 23
Address 2
City Halle
State
Postal Code 06114
Country DE

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11815218	
Filing Date	01-Aug-2007	
First Named Inventor	Helmut Korber	
Art Unit	1789	
Examiner Name	SAEEDA LATHAM	
Attorney Docket Number	WBT-06-101	
Title	Method for the Preparation of Tea Beverages Made of Black or Green Tea	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 24131		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Helmut Koerber	
Address	Friedensstrasse 23	
City	Halle	
State		
Postal Code	06114	
Country	DE	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Laurence A. Greenberg/
Name	Laurence A. Greenberg
Registration Number	29308



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 28, 2012

In re Application of :

Yoshinori Maeda

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11815367

Filed : 20-Mar-2008

Attorney Docket No : 312618US26PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 28, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3663 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11815367	
Filing Date	20-Mar-2008	
First Named Inventor	Yoshinori Maeda	
Art Unit	3663	
Examiner Name	JONATHAN DAGER	
Attorney Docket Number	312618US26PCT	
Title	BRAKING/DRIVING FORCE CONTROLLER OF VEHICLE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Richard L. Allen/
Name	Richard L. Allen
Registration Number	64830

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11815411	
Filing Date	09-Nov-2007	
First Named Inventor	Nikolai Schwabe	
Art Unit	1644	
Examiner Name	MARIANNE DIBRINO	
Attorney Docket Number	028622-0204	
Title	Mhc Oligomer And Method Of Making The Same	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22428		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	PROIMMUNE LIMITED	
Address	MAGDALEN CENTRE (OXFORD SCIENCE PARK)	
City	OXFORD	
State		
Postal Code	OX4 4GA	
Country	GB	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Peet, Richard/
-----------	-----------------

Name	Peet, Richard
------	---------------

Registration Number	35792
---------------------	-------



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 7, 2011

In re Application of :

Nikolai Schwabe

Application No : 11815411

Filed : 09-Nov-2007

Attorney Docket No : 028622-0204

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 7, 2011

The request is **APPROVED**.

The request was signed by Peet, Richard (registration no. 35792) on behalf of all attorneys/agents associated with Customer Number 22428 . All attorneys/agents associated with Customer Number 22428 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name PROIMMUNE LIMITED
Name2
Address 1 MAGDALEN CENTRE (OXFORD SCIENCE PARK)
Address 2
City OXFORD
State
Postal Code OX4 4GA
Country GB

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 03 2011

COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

PCT LEGAL ADMINISTRATION

In re Application of
CHEN et al.
Application No.: 11/815,443
Filing Date: 02 August 2007
Attorney's Docket No.: NEXG-001/02US
For: LOCAL TREATMENT OF NEURO-
FIBROMAS

:
:
:
: DECISION on PETITION
:
: UNDER 37 CFR 1.182
:

This is a decision on applicants' "Petition Under 37 CFR 1.182" filed in the United States Patent and Trademark Office on 30 November 2010.

BACKGROUND

On 02 February 2006, applicants filed international application PCT/US06/03588, which claimed priority of an earlier U.S. provisional application filed 02 February 2005.

On 02 August 2007, applicants filed a utility transmittal letter requesting filing under 35 U.S.C. 371 in the United States which was accompanied by, *inter alia*, the basic national fee.

On 17 March 2008, a Notification of Missing Requirements was mailed to applicants, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing after the thirty month period, was required.

On 22 July 2008, applicants filed a response, including an executed declaration.

On 06 August 2008, a Notification of Defective Response was mailed to applicants, indicating that additional claim fees were due.

On 30 September 2008, applicants filed the instant petition under 1.181 or in the alternative, petition under 37 CFR 1.182. On 04 December 2008, a decision was mailed dismissing the petitions and indicating that the application was intended to be a national stage entry of the above referenced PCT application. Thereafter, On 26 January 2009, a Notice of Acceptance was mailed to applicants.

On 30 November 2010, a petition under 37 CFR 1.182 was filed requesting that the application papers be treated under 35 U.S.C. 111(a) with a filing date of 02 August 2007.

DISCUSSION

On 02 August 2007, applicants submitted a substitute specification. The submission was treated under 35 U.S.C. 371. However, applicants intended to file an application under 35 U.S.C. 111(a). Applicants submitted a substitute specification which includes the 29 claims and abstract filed in the USPTO on 02 August 2007. Applicants "confirm that this substitute specification, claims and abstract are the same documents that applicants filed on August 2, 2007, which were intended to

be filed as a U.S. continuation-in-part application under 35 U.S.C. 111(a)". Applicants explain that the application contained new disclosure as compared to the PCT application. Applicants provided a marked-up copy of the specification showing the differences.

Applicants request that the substitute specification be accorded the original filing date of August 2, 2007, the date on which it was submitted to the USPTO. Moreover, applicant assert that no other remedy is available to applicant to provide the continuation-in-part application filed on August 2, 2007.

However, Applicant is advised that because a significant period of time has elapsed from the filing of the above-captioned application, before such petition under 37 CFR 1.182 could be granted, applicant is required to file a terminal disclaimer under the provisions of 37 CFR 1.321(b) disclaiming the terminal part of the term of a patent to be granted equivalent to the period between the filing date of a grantable petition under 37 CFR 1.182 to create the CIP application and the filing date under 35 U.S.C. 111(a) of such application.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED WITHOUT PREJUDICE**.

The application will be held in the PCT Legal Office to await applicant's further reply.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

MAILED

APR 17 2012

PCT LEGAL ADMINISTRATION

In re Application of	:	
PRICE et al	:	
Application No.: 11/815,468	:	DECISION ON PETITION
Filing Date: February 14, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: 60378US005	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 14, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 119 for the benefit of priority to the prior-filed provisional application set forth in the amendment filed concurrently with the petition.

If the reference to a prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. MPEP 201.11, Section III E.

In accordance with MPEP 201.11, because the benefit claim to the provisional application was included on the initial filing receipt, a petition under 37 CFR 1.78(a) is not required. The specification has been amended to include a reference in compliance with 37 CFR 1.78(a).

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED AS MOOT**.

The submitted petition fee will be refunded in due course.

The application is being forwarded to Technology Center AU 1713 for examination.

Bryan Lin

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration
571-272-3303



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PAUL AND PAUL
2000 MARKET STREET
SUITE 2900
PHILADELPHIA, PA 19103

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of
Felix Elbing et al
Application No. 11/815,514
Filed: August 3, 2007
Attorney Docket No. 2007-215

ON PETITION

This is a decision on the petition, filed January 18, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 20, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3724 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language: ~~thereon~~ Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

AUG 02 2010

In re Application of
Cohen et al.
Application No. 11/815,552
Filed: October 7, 2008
Attorney Docket No. 19514-002US1

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on July 8, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed June 11, 2010, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

SEP 16 2010

OFFICE OF PETITIONS

In re Application of
Cohen et al.
Application No. 11/815,552
Filed: October 7, 2008
Attorney Docket No. 19514-002US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).


The request was signed by John C. Phillips, on behalf of the practitioners of record.

All practitioners of record have been withdrawn as from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed June 11, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JOSEPH CHAYAM COHEN
5777 W. CENTURY BOULEVARD, SUITE 985
LOS ANGELES, CA 90045



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/815,552	10/07/2008	Joseph Chyam Cohen	19514-002US1

CONFIRMATION NO. 8655

POWER OF ATTORNEY NOTICE



OC000000043531680

Date Mailed: 09/16/2010

20985
FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/17/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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JOSEPH CHAYAM COHEN
5777 W. CENTURY BOULEVARD
SUITE 985
LOS ANGELES CA 90045

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Joseph C. Cohen et al.	:	
Application No. 11/815,552	:	DECISION ON PETITION
Filed: October 07, 2008	:	
Attorney Docket No. 19514-002US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 11, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 12, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The proper reply to the Office action mailed June 11, 2010 was not submitted with petition.

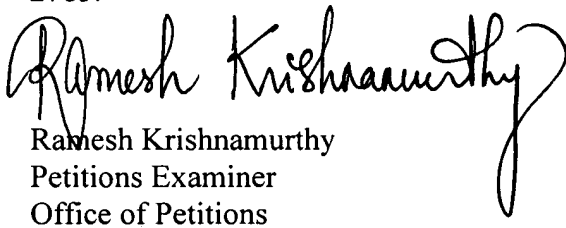
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010**

MAILED

OCT 25 2010

In re Application of
Christophe Rebours
Application No. 11/815,591
Filed: August 6, 2007
Attorney Docket No. 2217.03

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 18, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 18, 2010. Accordingly, the date of abandonment of this application is August 19, 2010. The Notice of Abandonment was mailed September 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES, CA 90010

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Patent No. 7,827,998
Issue Date: November 9, 2010
Application No. 11/815,593
Filed: August 6, 2007
Attorney Docket No. 2217.04


:
:
:
:
:
NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 21,2011

In re Application of :

Michael Cao

Application No : 11815617

Filed : 06-Aug-2007

Attorney Docket No : 55115100.00036

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 21,2011

The request is **APPROVED**.

The request was signed by Woodrow H. Pollack (registration no. 58908) on behalf of all attorneys/agents associated with Customer Number 34802 . All attorneys/agents associated with Customer Number 34802 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Michael Knox
Name2 Vascular Technologies, Inc.
Address 1 780 CARILLON PARKWAY, SUITE 240
Address 2
City CLEARWATER
State FL
Postal Code 33716
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11815617	
Filing Date	06-Aug-2007	
First Named Inventor	Michael Cao	
Art Unit	3739	
Examiner Name	KAITLYN SMITH	
Attorney Docket Number	55115100.00036	
Title	PROBES FOR ELECTRICAL CURRENT THERAPY OF TISSUE, AND METHODS OF USING SAME	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 34802		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Michael Knox Vascular Technologies, Inc.	
Address	780 CARILLON PARKWAY, SUITE 240	
City	CLEARWATER	
State	FL	
Postal Code	33716	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Woodrow H Pollack/
Name	Woodrow H. Pollack
Registration Number	58908



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JAN 04 2011

PCT LEGAL ADMINISTRATION

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of	:	
ANDERSEN, Mads Hald	:	
Application No.: 11/815,631	:	
PCT No.: PCT/DK2006/000061	:	DECISION
Int. Filing Date: 03 February 2006	:	
Priority Date: 04 February 2005	:	
Docket No.: ANDERSEN9	:	
For: SURVIVIN PEPTIDE VACCINE	:	

This decision is in response to applicant's submission of a new declaration of the inventor on 20 April 2009.

BACKGROUND

On 07 April 2009, the Office mailed Notification of Defective Response, vacating the 29 January 2008 Notification of Abandonment and requiring an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) within one month.

On 20 April 2009, applicant submitted a declaration of the inventor.

DISCUSSION

The 20 April 2009 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE, OH 44012

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of :
Bernard MAHIAT, et al. :
Application No. 11/815,644 : **DECISION GRANTING PETITION**
Filed: August 6, 2007 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. **1200501 N US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 7, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1782 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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25 AUG 2010

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Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:	:	
TANAKA, Shigeho, et al.	:	DECISION
U.S. Application No.: 11/815,664	:	
PCT No.: PCT/JP2006/301993	:	
International Filing Date: 06 February 2006	:	
Priority Date: 07 February 2005	:	
Attorney Docket No.: 313136US0PCT	:	
For: METHOD FOR SYNTHESIZING T-	:	
BUTYL (METH)ACRYLATE	:	

This decision is issued in response to the "Request To Correct Filing Receipt" filed 16 March 2010, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 06 February 2006, applicants filed international application PCT/JP2006/301993. The international application claimed a priority date of 07 February 2005, and it designated the United States. On 10 August 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 07 August 2007.

On 07 August 2007, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an English translation of the international application

On 20 February 2008, applicants filed an executed declaration in compliance with 37 CFR 1.497 (applicants had previously paid the \$130 surcharge for filing the oath or declaration later than thirty months after the priority date).

On 03 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 07 August 2007. Also on 03 October 2008, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 07 August 2007.

On 16 December 2009, a "Notice Of Allowance And Fee(s) Due" (Form PTOL-85) and "Notice Of Allowability" (Form PTOL-37) was issued.

On 16 March 2010, applicants submitted payment of the issue and publication fees, as well as the "Request To Correct Filing Receipt" considered as a petition herein. The petition asserts that the correct filing date for the application is 20 February 2008, the date on which the executed declaration was filed.

DISCUSSION

A review of the application file confirms that the declaration that completed the requirements of 35 U.S.C. 371(c) was filed herein on 20 February 2008. The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and "Date Of Completion Of All U.S.C. 371 Requirements" for the present application is therefore 20 February 2008.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 03 October 2008, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 07 August 2007, is appropriately vacated. In addition, the filing receipt mailed on 03 October 2008, which incorrectly identified the 35 U.S.C. 371(c) date as 07 August 2007, is also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 20 February 2008.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 03 October 2008, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 07 August 2007, and the subsequently mailed filing receipt that incorrectly identified the 35 U.S.C. 371(c) date as 07 August 2007, are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as **20 February 2008**.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



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PCT LEGAL ADMINISTRATION

CARLSON GASKEY & OLDS
400 W MAPLE STE 350
BIRMINGHAM, MI 48009

In re Application of	:	
BARRIO, Rodolfo, Robledo, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/815,674	:	PETITION
PCT No.: PCT/US2005/006264	:	(37 CFR 1.137(b))
Int. Filing Date: 25 February 2005	:	
Priority Date: 25 February 2005	:	
Atty Docket No.: 60469-160PUS1/PT5333/5372	:	
For: ELEVATOR BRAKE ACTUATOR	:	
HAVING SHAPE CHANGING	:	
MATERIAL FOR BRAKE CONTROL	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.137(b)" filed 13 September 2010. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 13 July 2010. The decision dismissed without prejudice applicants' petition for revival under 37 CFR 1.137(b), finding that the declaration filed by applicants during the international phase was defective and that an acceptable response to the Notification Of Missing Requirements mailed 12 March 2008 was necessary to complete the "required reply" element of a grantable petition for revival.

On 13 September 2010, applicants filed the "Renewed Petition Under 37 CFR 1.137(b)" considered herein.

DISCUSSION

As discussed in the previous decision, the "required reply" necessary to complete the requirements for a grantable petition for revival under 37 CFR 1.137(b) is an acceptable response to the Notification Of Missing Requirements, that is, an executed declaration in compliance with 37 CFR 1.497 and payment of the surcharge for filing the declaration later than thirty months after the priority date. The present renewed petition was accompanied by payment of the required surcharge and copies of complete two-page declarations executed by the inventors herein. However, these declarations are not acceptable under 37 CFR 1.497 because the declarations do not adequately identify the specification to which they are directed (see MPEP section 602(VI)).

In view of the above, the "required reply" element of a grantable petition under 37 CFR 1.137(b) remains unsatisfied. The renewed petition for revival is therefore appropriately dismissed.

CONCLUSION

Applicants' renewed petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration on the merits is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should be entitled "Second Renewed Petition Under 37 CFR 1.137(b)" and include the materials required to complete the "required reply" element of a grantable petition, that is, an oath or declaration in compliance with 37 CFR 1.497.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



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PCT LEGAL ADMINISTRATION

CARLSON GASKEY & OLDS
400 W MAPLE STE 350
BIRMINGHAM, MI 48009

In re Application of	:	
BARRIO, Rodolfo, Robledo, et al.	:	DECISION ON PETITION
U.S. Application No.: 11/815,674	:	(37 CFR 1.181)
PCT No.: PCT/US2005/006264	:	
Int. Filing Date: 25 February 2005	:	
Priority Date: 25 February 2005	:	
Atty Docket No.: 60469-160PUS1/PT5333/5372	:	
For: ELEVATOR BRAKE ACTUATOR	:	
HAVING SHAPE CHANGING	:	
MATERIAL FOR BRAKE CONTROL	:	

This decision is issued in response to the "Second Renewed Petition Under 37 CFR 1.137(b)" filed 11 April 2011, treated in part herein as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required.

BACKGROUND

On 25 February 2005, applicants filed international application PCT/US2005/006264. The application did not claim an earlier priority date and it designated the United States. The deadline for filing the basic national fee was thirty months from the priority date, i.e., 25 August 2007. A declaration of the inventors under PCT Rule 4.17(iv) was included with the international application as filed.

On 07 August 2007 applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 12 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification Of Missing Requirements indicated that the declaration filed by applicants was defective because it failed to identify the application to which it was directed.

A response to the Notification Of Missing Requirements was not filed during the available response period. Accordingly, the present application became abandoned as of midnight on 12 May 2008.

On 21 January 2009, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) confirming the abandonment.

On 26 February 2010, applicants filed a petition for revival under 37 CFR 1.137(b). The petition was accompanied by a request to withdraw the Notification Of Missing Requirements which argued that the declaration filed with the international application was acceptable and that the Notification Of Missing Requirements was therefore issued in error.

On 13 July 2010, a decision was mailed dismissing without prejudice applicants' petition for revival. The decision indicated that the declaration filed with the international application was not acceptable because it appeared to be a compilation of multiple documents and that the mailing of a Notification of Missing Requirements requiring an acceptable declaration was therefore proper.

On 13 September 2010, applicants filed a renewed petition for revival accompanied by separate copies of the two-page declarations executed by the inventors.

On 10 November 2010, a decision was mailed dismissing without prejudice the renewed petition for revival, finding that the separate declarations filed 13 September 2010 were not acceptable because they did not identify the application to which they were directed.

On 11 April 2011, applicants filed the "Second Renewed Petition Under 37 CFR 1.137(b)" considered herein, accompanied by newly-executed declarations from each of the inventors.

DISCUSSION

Applicants' present petition argues that the original declaration filed with the international application during the international phase should be considered acceptable as filed. Under further consideration, it is determined that the declaration included with the international application on the international filing date may be accepted as filed.

In view of the above determination, the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 12 March 2008, which indicated that the declaration filed during the international phase was not acceptable, is appropriately vacated.

The holding of abandonment, based as it was on the failure to respond to the inappropriately issued Notification Of Missing Requirements, is appropriately withdrawn, and the Notification Of Abandonment (Form PCT/DO/EO/909) mailed 21 January 2009 is also properly vacated.

Based on the above, the present application is not considered abandoned. Applicants' petition for revival under 37 CFR 1.137(b) filed herein is therefore moot. The fees paid with respect to the petition for revival, as well as the surcharge for filing an acceptable declaration later than thirty months after the priority date, will be refunded to applicants' Deposit Account.

CONCLUSION

Applicants' 11 April 2011 renewed petition for revival, treated in part herein as a petition under 37 CFR 1.181 for acceptance of the original declaration filed with the international application and for withdrawal of the holding of abandonment, is **GRANTED**.

The declaration filed with the international application pursuant to PCT Rule 4.17(iv) is accepted as satisfying the declaration requirement for entry into the national stage in the United States.

The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 12 March 2008 and the Notification Of Abandonment (Form PCT/DO/EO/909) mailed 21 January 2009 are hereby **VACATED**.

Applicants' petition for revival under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The petition fee for the petition for revival under 37 CFR 1.137(b), the unnecessary surcharge payment for filing the oath or declaration later than thirty months after the priority date, and the extension and petition fee included with applicants' 11 April 2011 petition, will be refunded to Deposit Account No. 50-1482.

The application is being directed to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 August 2007.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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HAMMER & ASSOCIATES, P.C.
3125 SPRINGBANK LANE
SUITE G
CHARLOTTE NC 28226

MAILED

JUN 27 2011

In re Application of

Weigl, et al.

OFFICE OF PETITIONS

Application No. 11/815,784

DECISION ON PETITION

Filed: November 9, 2007

Attorney Docket No. **2084.22**

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed June 6, 2011.

The petition is **granted**.

This application was held abandoned August 13, 2010, after no reply was received to the Notice of Non-Compliant Amendment mailed July 12, 2010. The notice set forth a shortened period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on August 13, 2010. A Notice of Abandonment was mailed June 1, 2011. The instant petition was filed on June 6, 2011. Petitioner maintains that the notice of July 12, 2010, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Technology Center GAU 1625 for further processing that will include re-mailing the Notice of Non-Compliant Amendment and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/6/11

TO SPE OF : ART UNIT: 1766

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/815,814 Patent No. 7,651,637

CofC mailroom date 11/19/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Ernest C. White, LIE

**Certificates of Correction Branch
703-756-1814** _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Randy Gulakowski/

Digitally signed by /Randy Gulakowski/
DN: cn=/Randy Gulakowski/, c=US, ou=1766
Date: 2011.12.14 11:08:33 -05'00'

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120329

DATE : June 01, 2010

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction on Patent No.: 7661412

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/STEPHEN K CRONIN/
Supervisory Patent Examiner.Art Unit 3747



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/815,893	08/09/2007	Ling Lu	03500.126076.	2926

5514 7590 08/11/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

VO, QUANG N

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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08/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
LU, LING, et al.	:	DECISION ON REQUEST TO
Application No. 11/815,893	:	PARTICIPATE IN PATENT
Filed: August 9, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 03500.126076.	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 10, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

0.2



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LEYDIG, VOIT AND MAYER
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601

MAILED

APR 05 2011

OFFICE OF PETITIONS

In re Application of :
Michael Bachenberg :
Application No. 11/815,898 :
Filed: June 10, 2008 :
Attorney Docket No. 20810/0207713-US0 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 23, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

A handwritten signature in black ink, appearing to read "Terri Johnson". The signature is fluid and cursive, with the first name "Terri" and last name "Johnson" clearly distinguishable.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PIXCALL GMBH**
IIMERMANNSTR. 10
DUSSEIDORF, GERMANY 40210



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BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO IL 60690-2786

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NOV 05 2010

OFFICE OF PETITIONS

In re Application of :
David J. Free :
Application No. 11/815,924 :
Filed: 08/09/2007 :
Attorney Docket No. 42527-106083 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action, mailed November 3, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 4, 2010. A Notice of Abandonment was mailed on July 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 3637 for processing of the RCE and for appropriate action by the Examiner on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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SEP 17 2010

OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of
Grainger et al.
Application No. 11/815,928
Filed: April 15, 2008
Attorney Docket No. 1543.012US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on July 15, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be approved at this time. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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NOV 22 2010

OFFICE OF PETITIONS

DITTHAVONG MORI & STEINER PC
918 PRINCE STREET
ALEXANDRIA VA 22314

In re Application of	:	
Thomas Reichel	:	
Application No. 11/815,953	:	DECISION ON
Filed: August 9, 2007	:	PETITION
Attorney Docket No. 01012-1051	:	

This is in response to the petition to revive under 37 CFR 1.137(b), filed September 10, 2010.

The petition under 37 CFR 1.137(b) is GRANTED.

The above application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability, mailed May 17, 2010. This Notice set a statutory period for reply of three months. No drawings having been received, the application became abandoned on August 18, 2010. The Office mailed a Notice of Abandonment on September 7, 2010.

With the instant petition, applicant paid the petition fee, submitted the required reply in the form of drawings, and made the proper statement of unintentional delay.

The matter is being forwarded to Group Art Unit 2831 for consideration of the Amendment, filed September 10, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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**ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000**

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Patent No. 8,014,525	:	
Issue Date: September 6, 2011	:	
Application No. 11/815,954	:	ON PETITION
Filed: August 9, 2007	:	
Attorney Docket No. 038779/332231	:	

This is a decision on the petition filed October 13, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED

MAR 18 2011

OFFICE OF PETITIONS

In re Application: :
Kristiina Kruus et al. :
Application No. 11/815,988 :
Filed: October 11, 2007 :
Attorney Docket No. 3501-1135 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 31, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to the Office of Publications.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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BORDEN LADNER GERVAIS LLP
Gail C. Silver
1100-100 QUEEN ST
OTTAWA ON K1P 1J9 CA CANADA

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Gerald G. Abraham	:	DECISION ON PETITION
Application No. 11/815,992	:	TO WITHDRAW
Filed: August 10, 2007	:	FROM RECORD
Attorney Docket No. PAT 2761W-2 US	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 16, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Gail C. Silver on behalf of all attorneys of record who are associated with Customer Number 42534.

All attorneys/agents associated with Customer Number 42534 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Gerald G. Abraham at the address indicated below.

There is an outstanding Office action mailed July 21, 2010, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Gerald G. Abraham
1 Glenaden Avenue East
Toronto, ON Canada M8Y 2L2



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WILLIAM J. SAPONE
COLEMAN SUDOL SAPONE P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605

MAILED

AUG 31 2010

OFFICE OF PETITIONS

In re Application of :
Kurt Offersen et al. :
Application No. 11/815,998 : **DECISION ON PETITION**
Filed: October 19, 2007 :
Attorney Docket No. **378/9-2431** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 13, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3725 for appropriate action by the Examiner in the normal course of business.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/26/11

TO SPE OF : ART UNIT 2832

SUBJECT : Request for Certificate of Correction for Appl. No.: 11816041 Patent No.: 7990248

CofC mailroom date: 10/17/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code: **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes be made in the Title?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Title change is accepted.

/Elvin Enad/

AU2832

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/17/2011 Paper No.: _____
 TO SPE OF : ART UNIT 3743
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/816044 Patent No.: 7849849 B2
 CofC mailroom date: 3/9/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Albert
 Certificates of Correction Branch
 571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Fe B. Alt
 SPE

3743
 Art Unit



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VALLEY FORGE PA 19482

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SEP 07 2010

OFFICE OF PETITIONS

In re Application of :
Platzgummer, et al. :
Application No. 11/816,059 : DECISION
Filed: 10 August, 2007 :
Attorney Docket No. IMSN-111US :

This is a decision on the petition filed on 22 January, 2010, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE: In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 11/816,059

The instant application is released to IFW storage in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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LEASON ELLIS LLP
81 MAIN STREET
SUITE 503
WHITE PLAINS NY 10601

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FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Ramakrishna :
Application No. 11/816,083 : **DECISION**
Filed/Deposited: 10 August, 2007 :
Attorney Docket No. 4607/0184-US0 :

This is a decision on the papers filed on 8 June, 2010, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

The papers considered as the instant petition were received into the Office of Petitions for determination only at this writing.

Petitioner has not followed the clear language of the guidance in the Commentary at MPEP §711.03(c)(I) as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 24 July, 2009, with reply due absent extension of time on or before 24 October, 2009.

The application went abandoned by operation of law after midnight 24 October, 2009.

The Office mailed the Notice of Abandonment on 24 May, 2010.

On 8 June, 2010, Petitioner filed, *inter alia*, the instant petition pursuant to 37 C.F.R. §1.181, and averred non-receipt, and provided his statement and that of his assistant, along with (*inter alia*) a copy of a docket sheet and other materials not relevant. Petitioner failed to follow the guidance in the Commentary at MPEP §711.03(c)(I), and make the statements and provide both the application docket sheet and the firm due date calendar for the due date of the reply (as set forth above).

Thus, Petitioner Counsel failed to make the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record

would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.¹

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

¹ See: MPEP §711.03(c) (I)(A).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁵ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 11/816,083

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:


By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Application No. 11/816,083

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEASON ELLIS LLP
81 MAIN STREET
SUITE 503
WHITE PLAINS NY 10601

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Ramakrishna	:	
Application No. 11/816,083	:	DECISION
Filed/Deposited: 10 August, 2007	:	
Attorney Docket No. 4607/0184-US0	:	

This is a decision on the papers filed on 22 March, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

Petitioner is reminded that:

- the record reflects no inquiry as to this matter between the filing of the 8 June, 2010, petition and the its subsequent receipt into the Office of Petitions and mailing of the 14 February, 2011, decision;
- the availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application; and
- cycle time for petitions in the Office of Petitions is 60 to 90 days.

If Petitioner receives no reply in matters in that time, Petitioner may find it beneficial to inquire as to status.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

Application No. 11/816,083

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 24 July, 2009, with reply due absent extension of time on or before 24 October, 2009.

The application went abandoned by operation of law after midnight 24 October, 2009.

The Office mailed the Notice of Abandonment on 24 May, 2010.

On 8 June, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181, and averred non-receipt, and provided his statement and that of his assistant, along with (*inter alia*) a copy of a docket sheet and other materials not relevant. Petitioner failed to follow the guidance in the Commentary at MPEP §711.03(c)(I), and make the statements and provide both the application docket sheet and the firm due date calendar for the due date of the reply (as set forth above). Thereafter, the record reflects no inquiry made by Petitioner as to the matter. The petition was received by the Office of Petitions and dismissed on 14 February, 2011.

On 22 March, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181, and averred non-receipt, and provided his statement and that of his assistant, along with (*inter alia*) a copy of a docket sheet and the due date docket and made the statements pursuant to the guidance in the Commentary at MPEP §711.03(c)(I).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.¹

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See:

http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

¹ See: MPEP §711.03(c) (I)(A).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178, 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

⁵ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 11/816,083

Petitioner appears to have made the showing required.


CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 24 May, 2010, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 2164 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED

OCT 03 2011

In re Application of	:	OFFICE OF PETITIONS
Villoo Morawala Patell, et al.	:	
Application No. 11/816,142	:	DECISION ON PETITION
Filed: August 13, 2007	:	TO WITHDRAW
Attorney Docket No. 20049.0027USWO	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by David P. Mueller on behalf of all attorneys of record who are associated with customer No. 52835. All attorneys/agents associated with the Customer Number 52835 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed July 21, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: AVESTHAGEN LIMITED
UNIT 3, "DISCOVERER" 9TH FLOOR
INTERNATION TECH PARK
WHITEFIELD ROAD
BANGALORE, 560066 INDIA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/816,142	08/13/2007	Villoo Morawala Patell	20049.0027USWO

CONFIRMATION NO. 5923

POWER OF ATTORNEY NOTICE



Date Mailed: 10/03/2011

52835
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/15/2011 Paper No.: _____
 TO SPE OF : ART UNIT 2466 Pharm Titb
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/916149 Patent No.: 7848340

CofC mailroom date: _____

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

H. R. W.
 Certificates of Correction Branch
 703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Daniel Ryman
SPE

2466
Art Unit



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Alexandria, VA 22313-1450
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BARNES & THORNBURG LLP
1717 Pennsylvania Ave. NW
SUITE 500
WASHINGTON DC 20006-4623

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of :
Duck, et al. : DECISION ON PETITION
Application No. 11/816,202 :
Filed: September 9, 2008 :
Atty. Dkt. No.: 30932/45941 :

This decision is in response to the petition under 37 CFR 1.137(b), filed January 19, 2012.

The petition is **GRANTED**.

This application became abandoned September 25, 2010 for failure to timely submit a proper reply in response to the non-final Office action mailed June 24, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed January 25, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The above-identified application has been carefully reviewed and found in compliance with the requirements set forth above.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3656 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

MAILED

SEP 29 2011

In re Patent No. 7,937,966
Issued: 05/10/2011
Application No. 11/816,249
Filed: 12/17/2008
Attorney Docket No. GOLO-002 US

OFFICE OF PETITIONS

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the petition filed May 27, 2011, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications listed on the concurrently filed amendment and certificate of correction.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after

the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) and to correct the above matters are required. A new certificate of correction in accordance therewith is also required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

A reply may also be filed via the EFS-Web filing system of the USPTO.

As authorized, the \$100.00 certificate of correction fee will be charged to petitioner's deposit account. The \$1,410.00 surcharge has been received.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Boris Milef
PCT Legal Examiner
Office of Petitions



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60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Patent No. 7,937,966	:	
Issued: 05/10/2011	:	
Application No. 11/816,249	:	DECISION ON PETITION
Filed: 12/17/2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. GOLO-002 US	:	

This is a decision on the renewed petition filed on October 12, 2011, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications listed on the concurrently filed amendment and certificate of correction.

The instant application was filed December 17, 2008. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional or international application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

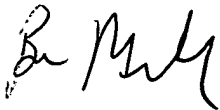
- (1) the reference required by 35 U.S.C. § 356(c) and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 365(c) to the above-noted, prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met.

The application is referred to the Certificates of Correction branch for issuance of a certificate of correction correcting the claims of priority.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Boris Milef
PCT Legal Examiner
Office of Petitions



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Gary P. Topolosky
4031 Brownsville Road
Pittsburgh PA 15227-3419

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Hart	:	
Application No. 11/816,276	:	DECISION ON PETITION
Filed: August 14, 2007	:	PURSUANT TO
Attorney Docket No.: SLH 09-001	:	37 C.F.R. § 1.137(A)
Title: BED SKIRT SUPPORT	:	

This is a decision on the petition pursuant to 37 C.F.R.
§ 1.137(a), submitted on June 28, 2010.

This petition is **GRANTED**.

BACKGROUND

On July 23, 2009, Petitioner submitted a response to a non-final Office action, and it is noted that the text of which calls attention to the fact that a change of address was being made: "[d]ue to the death of Applicant's former patent attorney, a newly signed Declaration/Power of Attorney form accompanies this response."¹ With the submission, Petitioner included an executed "DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION," which requested that the correspondence address be changed to the current address of record. However, this change of address was not effectuated.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed September 30, 2009, which was sent to the former address of record and set a shortened statutory period for reply of three months. An examiner's interview was mailed on February 24, 2010 to the former address of record. An after-final amendment was received on March 4,

1 "Amendment and reply," page 1.

Decision on Petition pursuant to 37 C.F.R. § 1.137(a)

2010 along with a two-month extension of time,² and an advisory action was mailed on March 15, 2010 to the former address of record.³ No additional extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on February 28, 2010.

A "REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS" was received on March 22, 2010, and was both entered and effectuated on April 8, 2010.

RELEVANT PORTION OF THE MPEP

MPEP § 601.03 sets forth, in pertinent part:

The required notification of change of correspondence address need take no particular form. However, it should be provided in a manner calling attention to the fact that a change of address is being made (emphasis added). Thus, the mere inclusion, in a paper being filed for another purpose, of an address which is different from the previously provided correspondence address, without mention of the fact that an address change is being made would not ordinarily be recognized or deemed as instructions to change the correspondence address on the file record.

ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(1);
- (3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has included the petition fee, a Request for Continued Examination (RCE) along with the associated fee, an amendment, and a statement of facts.

² The submission contains a certificate of mailing dated March 1, 2010, and it is noted that February 28, 2010 fell on a Sunday.

³ Petitioner has indicated that both the final rejection and the advisory action were forwarded to him by the widow of the former attorney of record.

Decision on Petition pursuant to 37 C.F.R. § 1.137(a)

The first three requirements of Rule 1.137(a) have been met. The fourth requirement of Rule 1.137(a) is not applicable, as a terminal disclaimer is not required.⁴

Regarding the third requirement of Rule 1.137(a), Petitioner argues that had the Power of Attorney that was received concurrently with the submission of July 23, 2009 been entered and effectuated, the advisory action of March 15, 2010 would have been sent to the proper address of record, and he would have had an opportunity to provide another submission prior to the expiration of the maximum extendable period for response (March 30, 2010).

Petitioner's argument has been considered, and it has been deemed to be persuasive.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment that was submitted on June 28, 2010 - can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁵. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁴ See Rule 1.137(d).

⁵ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of :
Platzgummer, et al. :
Application No. 11/816,353 : DECISION
Filed: 15 August, 2007 :
Attorney Docket No. IMSN-110US :

This is a decision on the petition filed on 22 January, 2010, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE: In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

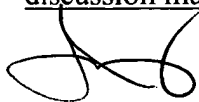
Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 11/816,353

The instant application is released to IFW storage in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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**YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084**

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of
BURKLE
Application No. 11/816,355
Filed: August 15, 2007
Docket No. KSK-112-A

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 3, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) and the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on July 7, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 25-0115.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1767 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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DICKINSON WRIGHT PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON DC 20006

MAILED

AUG 09 2010

In re Application of	:	OFFICE OF PETITIONS
Lissner	:	
Application No. 11/816,359	:	DECISION
Filed: 15 August, 2007	:	
Attorney Docket No. 0026-0022CON2	:	

This is a decision on the papers considered as petition filed on 1 July, 2010, to revive an application pursuant to 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

NOTE:

It appears that—for reasons unknown—Petitioner has submitted a request and fee for extension of time herein.

As one registered to practice before the Office, Petitioner knows such a request is not proper after expiration of the statutory period.

The fee is being refunded via Deposit Account 06-1135. Should Petitioner later find that the fee was not refunded, Petitioner should file a request with the Office of Finance and include therewith a copy of this decision.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

**As to the Allegations
of Unintentional Delay**

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action 20 August, 2009, with reply due absent extension of time on or before 20 November, 2009.

The application went abandoned by operation of law after midnight 20 November, 2009.

The Office mailed a Notice of Abandonment on 29 March, 2010.

On 1 July, 2010, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b) averred unintentional delay, pointed to the reply in the form of an amendment and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).²

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.³))

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 3749 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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Paper No.

FULBRIGHT & JAWORSKI L.L.P.
98 SAN JACINTO BOULEVARD
SUITE 1100
AUSTIN TX 78701-4255

MAILED
DEC 23 2011
OFFICE OF PETITIONS

In re Application of :
David Crampton : DECISION ON APPLICATION
Application No. 11/816,385 : FOR
Filed: 10/17/2007 : PATENT TERM ADJUSTMENT
Atty Docket No. :
BAWC:002US/10711254 :

This letter is in response to the petition under 37 CFR 1.705(b), filed on November 28, 2011. Applicants request that the initial determination of patent term adjustment be adjusted from 492 days to 806 days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the revised Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is eight hundred six (806) days. A copy of the updated PAIR screen, showing the revised determination, is enclosed.

On September 1, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is four hundred ninety-two (492) days (513 days of Office delay reduced by 21 days of applicant delay).

On November 28, 2011, applicants timely submitted the instant application for patent term adjustment.¹

¹ PALM records show that the Issue Fee was received on November 28, 2011.

Applicants request reconsideration of the period of Office delay pursuant to 37 CFR 1.702(a)(1). Specifically, applicants assert that all requirements of 35 U.S.C. 371 were fulfilled on October 17, 2007, and that the Office action mailed on March 24, 2011, was mailed 14 months and 827 days after the day after the date all the requirements of 35 U.S.C. 371 were completed.

Upon review, applicants are correct. All requirements of 35 U.S.C. 371 were completed on October 17, 2007. On March 24, 2011, 14 months and 827 days after the date all 35 U.S.C. 371 requirements were completed, a non-final Office action was mailed.

Accordingly, the period of adjustment for Office delay of 513 days will be removed, and a period of adjustment for Office delay of 827 days will be entered.

In view thereof, the revised determination of PTA at the time of the mailing of the Notice of Allowance is **eight hundred six (806)** days (827 days of PTO delay, reduced by 21 days of Applicant delay).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements; and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 11/816,385

Filing or 371(c) Date:	10-17-2007	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	513
A Delays:	513	PTO Manual Adjustments:	314
B Delays:	0	Applicant Delays:	21
C Delays:	0	Total PTA Adjustments:	806

Patent Term Adjustment History**Explanation Of Calculations**

Number	Date	Contents Description	PTO(Days)	APPL (Days)	Start
63	12-22-2011	Adjustment of PTA Calculation by PTO	827		0
62	12-22-2011	Adjustment of PTA Calculation by PTO		513	0
51	09-01-2011	Mail Notice of Allowance			0
50	08-26-2011	Office Action Review			0
49	08-26-2011	Office Action Review			0
48	08-26-2011	Office Action Review			0
47	08-26-2011	Office Action Review			0
46	08-26-2011	Issue Revision Completed			0
45	08-26-2011	Document Verification			0
44	08-26-2011	Notice of Allowance Data Verification Completed			0
43	08-16-2011	Interview Summary - Examiner Initiated			0
42	08-16-2011	Reasons for Allowance			0
41	08-16-2011	Examiner's Amendment Communication			0
40	08-16-2011	Allowability Notice			0
36	07-15-2011	Reference capture on IDS			0
35	07-15-2011	Information Disclosure Statement (IDS) Filed		17	26
34	07-15-2011	Information Disclosure Statement considered			0
33	07-15-2011	Information Disclosure Statement (IDS) Filed			0
27	07-12-2011	Date Forwarded to Examiner			0
26	06-28-2011	Response after Non-Final Action		4	22
25	06-28-2011	Request for Extension of Time - Granted			0
24	03-24-2011	Electronic Review			0
23	03-24-2011	Email Notification			0
22	03-24-2011	Mail Non-Final Rejection	513		8
21	03-18-2011	Non-Final Rejection			0
13	11-15-2010	Case Docketed to Examiner in GAU			0
12	05-13-2009	Case Docketed to Examiner in GAU			0
11	04-14-2009	Case Docketed to Examiner in GAU			0
10	02-05-2009	PG-Pub Issue Notification			0
9	11-18-2008	Application Dispatched from OIPE			0
8	08-27-2008	371 Completion Date			0
7	10-24-2008	Sent to Classification Contractor			0
6	10-24-2008	Filing Receipt			0
5	10-24-2008	Notice of DO/EO Acceptance Mailed			0
0.5	06-22-2006	International Filing date			0

[Close Window](#)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111109

DATE : November 10, 2011

TO SPE OF : ART UNIT 2465

SUBJECT : Request for Certificate of Correction on Patent No.: 8014350

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/MARSHA D. BANKS HAROLD/
Supervisory Patent Examiner, Art Unit 2465



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THE LAW OFFICE OF MICHAEL E. KONDOUDIS
888 16TH STREET, N.W.
SUITE 800
WASHINGTON DC 20006

MAILED
NOV 15 2010
OFFICE OF PETITIONS

In re Application of :
Abraham LIVNE et al. :
Application No. 11/816,449 : DECISION ON PETITION
Filed: August 16, 2007 :
Attorney Docket No. 1600.0003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2010, to revive the above-identified application.


The petition under 37 CFR 1.137(b) is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 26, 2010, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of March 26, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3736 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


Michelle R. Eason
Petitions Examiner
Office of Petitions



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BROUILLETTE & PARTNERS
377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

MAILED

AUG 10 2011

In re Application of	:	OFFICE OF PETITIONS
Jean Dobey Ourega	:	
Application No. 11/816,491	:	DECISION ON PETITION
Filed: August 16, 2007	:	TO WITHDRAW
Attorney Docket No. 1601-003-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 26, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert Brouillette on behalf of all attorneys/agents associated with customer number 56535. All attorneys/agents associated with customer number 56535 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Jean Dobey Ourega
3064 Jacques-Lauzon
Verdun, Quebec H4G 3M8
CANADA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/816,491	08/16/2007	Jean Dobey Ourega	1601-003-US

CONFIRMATION NO. 9433

POWER OF ATTORNEY NOTICE



56535
BROUILLETTE & PARTNERS
377 de la Commune West
Montreal, QC H2Y 2E2
CANADA

Date Mailed: 08/08/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/26/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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BROUILLETTE & PARTNERS
377 de la Commune West
Montreal QC H2Y 2E2 CA CANADA

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of
Jean Dobey Ourega
Application No. 11/816,491
Filed: August 16, 2007
Attorney Docket No. 1601-003-US

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 22, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71, who has properly intervened. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment/notice of recordation, must be submitted with a renewed request.

The file record indicates that an assignment was recorded on February 11, 2010. The address provided on the request is not proper since inventor Jean Dobey Ourega no longer has an interest in this application.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date

February 29, 2012

Patent No. :8061084
Ser. No. :11/816560
Inventor(s) : Thomas Katzensteiner
Issued : November 22, 2011
Title : SEAL PROFILE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

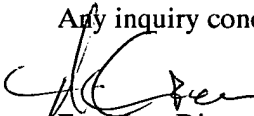
By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Electronic Filing uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Support 1-866-217-9197 571-272-4100

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Any inquiry concerning this communication should be directed to Ms. A. Green at 571.272.9005.



For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (571) 272-

Christine H. McCarthy
Barnes & Thornburg LLP
1717 Pennsylvania Avenue, N.W.
Ste 500
Washington, DC 20006-4675

/arg



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403**

**MAILED
OCT 12 2010
OFFICE OF PETITIONS**

In re Patent No. 7,735,390 :
Issue Date: June 15, 2010 :
Application No. 11/816,572 : **NOTICE**
Filed: September 19, 2008 :
Attorney Docket No. P/4043-374 V4936 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 27, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See **DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/816,666	04/16/2009	Michael D. Dake	MEDCI.500NP	1689
7590 10/28/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER BRADLEY, CHRISTINA	
			ART UNIT 1654	PAPER NUMBER
			NOTIFICATION DATE 10/28/2010	DELIVERY MODE ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11816713	
Filing Date	21-Aug-2007	
First Named Inventor	David Long	
Attorney Docket Number	70625	
Title	Method of Improving Nematode or Resistant Plant Growth	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
<p>Petition Fee</p> <p><input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="radio"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>2. Reply and/or fee</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on</p> <p><input checked="" type="radio"/> Amendment and response are attached</p> <p>RCE request, submission, and fee.</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on</p> <p><input type="radio"/> RCE Request, Submission, and Fee are attached</p>		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

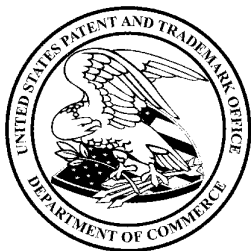
☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/JAMES CUEVA/
Name	James Cueva
Registration Number	58558



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date April 13, 2012

In re Application of David Long

Application No. 11816713

Filed: 21-Aug-2007

Attorney Docket No. 70625

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 13, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ARNOLD & PORTER (23032)
555 TWELFTH ST., N.W.
ATTN: IP DOCKETING DEPT.
WASHINGTON, DC 20004-1206

MAILED
JAN 31 2011
OFFICE OF PETITIONS

Applicant: Erion, et al.
Appl. No.: 11/816,774
International Filing Date: May 26, 2006
Title: NOVEL PHOSPHORUS-CONTAINING THYROMIMETICS
Pub. No.: US 2010/0081634 A1
Pub. Date: April 1, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 22, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error, resulting from faulty optical character recognition.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable “only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” (Emphasis added) A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor with respect to the formula and subscripts may be an Office error, but they are not material Office errors under 37 CFR 1.221(b). The errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented “in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition.” As set forth at MPEP 1121, “applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

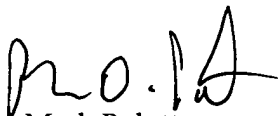
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

MAILED

JUN 07 2011

OFFICE OF PETITIONS

In re Application of :
William R. Heineman et al. :
Application No. 11/816,797 : **DECISION ON PETITION**
Filed: May 30, 2008 :
Attorney Docket No. **0091830.0539969** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 13, 2011.


The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on May 27, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 1645 for appropriate action by the Examiner in the normal course of business.


JoAnne Burke
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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FROST BROWN TODD LLC
3300 Great American Tower
301 East Fourth Street
CINCINNATI OH 45202

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Application of
William R. Heineman et al.
Application No. 11/816,797
Filed: May 30, 2008
Attorney Docket No.
0091830.0539969

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 16, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$465, and the submission required by 37 CFR 1.114; (2) the petition fee of \$930; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at
(571) 272-4584.

This application is being referred to Technology Center AU 1645 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/816,805	05/19/2008	Van J. Wedeen	125141.00080.MGH2630	3841

7590 03/16/2011
QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

EXAMINER

SHRIVASTAV, BRIJ B

ART UNIT	PAPER NUMBER
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2831

NOTIFICATION DATE	DELIVERY MODE
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03/16/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 14, 2011

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

In re Application of	:	
Van J. Wedeen	:	DECISION ON PETITION
Application No. 11816805	:	
Filed: 08/21/07	:	ACCEPTANCE OF COLOR
Attorney Docket No. 125141.00080.MGH2630	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 14, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/816,907	07/03/2008	Iain D. McNeil	28489/43180	5313

4743	7590	08/08/2011
MARSHALL, GERSTEIN & BORUN LLP		
233 SOUTH WACKER DRIVE		
6300 WILLIS TOWER		
CHICAGO, IL 60606-6357		

EXAMINER	
SCOTT, BRANDY C	

ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
08/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mgbdoCKET@marshallip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of: :
MCNEIL, IAIN D. :
Serial No.: 11/816,907 :
Filed: July 3, 2008 :
Docket: 28489/43180 :
Title: MEDICAL APPARATUS AND METHOD :
OF USE THEREOF :

DECISION ON PETITION

This is a decision on the petition filed on June 29, 2011 seeking to forward the case to the Board of Patent Appeals and Interferences for adjudication. This petition is being considered pursuant to 37 CFR § 1.181. No fee is required for this petition.

The petition is **granted in part.**

In the petition, the petitioner requests that the Director to review the prosecution history and direct the examiner to allow the claims or forward the application to the Board of Patent Appeals and Interferences for final resolution.

Discussion and Analysis

The petition is being interpreted as a request for supervisory review of the examiner's examination of the application. A review of the application has been made in view of this petition. A review of the application reveals that there is a prolonged prosecution in this case. However, the review of the prosecution history does not show the examiner has acted in an arbitrary and capricious manner in the performance of his duties but performed within the duties of his oath of office in accordance with the applicable Federal statutes and regulations and USPTO policy. While a tone of frustration is apparent from the petition, applicant needs to realize that the examiner is required to operate within the bounds of established legal standards and precedence. In response to the petition, the examiner is hereby instructed to timely set up an appeal conference in accordance with M.P.E.P. §1207.01. Additionally, the examiner is also directed to conclude the examination of the application as soon as possible.

Petitioner has also requested that the examiner be directed to allow the pending claims. With regard to the request for allowance, a TC Director can not compel an examiner to ignore prior art

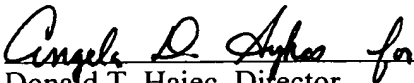
reference and direct the examiner to allow an application. If petitioner believes that the examiner has erred in his judgment in the non-final Office action of April 29, 2011, a proper course of action would be to file an appeal brief to have the examiner's rejection reversed. The applicant always has the right to appeal the examiner's patentability determination to the Board if the applicant still disagrees with the stated position of the examiner. Therefore, the requested relief for allowance of claims can not be granted. As noted earlier, there is no evidence that the examiner has taken an arbitrary and capricious position but has acted properly within the scope of his authority. There is no reason to believe that the examiner will not continue to do so. Moreover, applicant has the right to appeal the rejection of the claimed invention in accordance with 37 CFR § 41.31 if he/she disagrees with the stated position of the examiner. The Pre-Appeal Brief Conference Request was in fact filed on June 29, 2011. The examiner will consider the Request as soon as possible.

Conclusion

Under the circumstances, the relief requested by the petitioner is granted to the extent to respond to the Request for Pre-Appeal Brief conference more expediently. The request for allowance of claims will not be granted for the reasons as stated above.

The application is being forwarded to the examiner via the Supervisory Patent Examiner in Art Unit 3767 for consideration of the Pre-Appeal Brief Conference Request filed on June 29, 2011. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

Petition Granted in part.



Donald T. Hajec, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/17/2011 Paper No.: _____
 TO SPE OF : ART UNIT 2821
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/816913 Patent No.: 7876271 B2
 CofC mailroom date: 3/4/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
 Randolph Square – 9D10-A
 Palm Location 7580**

Virginia Tolbert

 Certificates of Correction Branch
 571-277-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Ronnie J. Moore

 SPE

2821
 Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:1108

DATE : August 18, 2011

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 7866992

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/renee s luebke/
SPE - AU 2833

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/141 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))	
Application Number	11817014	
Filing Date	03-Sep-2008	
First Named Inventor	Richard Austin	
Attorney Docket Number	57262/B432	
Title of Invention	MULTIPLE-ANGLE RETROREFLECTOMETER	
Pursuant to 37 CFR 3.81(b), applicant hereby request that the listed assignee with respect to U.S. Patent Number 7961328 be corrected to accurately reflect the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.		
<input checked="" type="checkbox"/> I certify, in accordance with 37 CFR 1.4(d)(4), that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent.		
Correction of Assignee Current Assignment Listed (240 char limit) The assignment information is currently listed as:		
BELFORT INSTRUMENT COMPANY		
Update Assignment Listing to (240 char limit) Change assignment information to the following:		
GAMMA SCIENTIFIC INC.		
<input checked="" type="checkbox"/> As required by 37 CFR 3.81, a Request for a Certificate of Correction is being filed herewith, along with the fee set forth in 37 CFR 1.20(a).		

- ☐ Applicant(s) status remains as OTHER THAN small entity.
- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☒ Applicant(s) status remains as SMALL ENTITY.
- ☐ Applicant is no longer claiming small entity status. See 37 CFR 1.27(g)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this request
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/David A. Plumley/
Name	David A. Plumley
Registration Number, if applicable	37208



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date: March 5, 2012

In re Patent No. 7961328

Issue Date: 14-Jun-2011

Application No 11817014

DECISION ON REQUEST
UNDER 37 CFR 3.81(b)

Filed date 03-Sep-2008

Attorney Docket No 57262/B432

This is an electronic decision on the request filed March 5, 2012 under 37 CFR 3.81(b) to correct the name of the assignee of the above-identified patent by way of a Certificate of Correction.

Petitioner request that the listed assignment information be replace with updated assignment information.
Assignment Information Currently Listed As:

BELFORT INSTRUMENT COMPANY

Change Assignment Information to the Following:

GAMMA SCIENTIFIC INC.

The request is GRANTED.

Telephone inquiries concerning this decision may be directed to the the Patent Electronic Business Center (EBC) at 866-217-9197.

Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificate of Correction Branch will be notified of this decision granting the request under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Office of Petitions



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LAWRENCE BERKELEY NATIONAL LABORATORY
Technology Transfer & Intellectual Property Management
One Cyclotron Road MS 56A-120
BERKELEY CA 94720

MAILED

JAN 23 2012

OFFICE OF PETITIONS

In re Application of :
Song, et al. :
Application No. 11/817,016 : ON PETITION
Filed: August 23, 2007 :
Attorney Docket No. IB-2104 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned July 1, 2011 for failure to timely submit a proper reply to the final Office action mailed December 30, 2010. Notice of Abandonment was mailed August 8, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including fee and submission required by 37 CFR 1.114; (2) the required petition fee; and (3) a statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

This application is being referred to Technology Center AU 1762 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2010

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of: MORIYA, Shuji, et al.	:	
U.S. Patent No.: 7,682,843	:	DECISION
U.S. Application No.: 11/817,104	:	
PCT No.: PCT/JP2006/312863	:	
International Filing Date: 28 June 2006	:	
Priority Date: 25 August 2005	:	
Attorney Docket No.: 314005US26PCT	:	
For: SEMICONDUCTOR FABRICATION	:	
SYSTEM ...	:	

This decision is issued in response to the "Request For Corrected Notice Of Acceptance" filed 26 January 2009, treated herein as a petition under 37 CFR 1.181 to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" listed on the "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 28 November 2008. No petition fee is required.

BACKGROUND

On 28 June 2006, applicants filed international application PCT/JP2006/312863. The international application claimed a priority date of 25 August 2005, and it designated the United States. On 01 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 25 February 2008.

On 24 August 2007, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an English translation of the international application. The submission did not include an express request to begin national examination procedures pursuant to 35 U.S.C. 371(f).

On 05 September 2007, applicants filed an executed declaration in compliance with 37 CFR 1.497. The submission was not accompanied by an express request to begin national examination procedures pursuant to 35 U.S.C. 371(f).

On 28 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" as 05 September 2007 and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 25 February 2008.

On 26 January 2009, applicant filed the "Request For Corrected Notice Of Acceptance" considered herein.

The present application subsequently issued as U.S. Patent No. 7,682,843.

DISCUSSION

The present petition requests a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 05 September 2007. MPEP section 1893.03(b), sets forth the following criteria for determining the correct "Date Of Completion Of all 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance:

The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:

- (A) the date of submission of the basic national fee;
- (B) the date of submission or communication of the copy of the international application;
- (C) the date of submission of the translation of the international application if the international application is not in the English language;
- (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
- (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
- (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
- (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

In the present application, elements "A," "B," and "C" were satisfied as of 24 August 2007, element "D" was satisfied as of 05 September 2007, and elements "F" and "G" do not apply. The appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is therefore determined by element "E." As noted above, the materials filed by applicants on 24 August 2007 and 05 September 2007 did not include a "request for early processing under 35 U.S.C. 371(f)," nor was such a request included in any subsequent submission. Accordingly, pursuant

to element "E," the appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is thirty months from the priority date, i.e., 25 February 2008 ("the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(c)(4)").

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 28 November 2008 properly identified the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 25 February 2008. Applicants' request for a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 05 September 2007 is therefore appropriately dismissed.

CONCLUSION

The "Request For Corrected Notice Of Acceptance" filed 26 January 2009 is **DISMISSED** without prejudice.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 28 November 2008 correctly identifies the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" as 05 September 2007 and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 25 February 2008.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED
JUL 26 2011
OFFICE OF PETITIONS

In re Application of
Frank Hoover
Application No. 11/817,184
Filed: May 28, 2008
Attorney Docket No: **FDEHN17.001APC**

ON PETITION

This is a decision on the petition filed July 12, 2011 under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

A Restriction Requirement mailed December 23, 2010 set the longer of one month or thirty days as the period for reply. No response to the December 23, 2010 Restriction Requirement having been timely filed, the application became abandoned January 25, 2011. Accordingly, a Notice of Abandonment was mailed on July 11, 2011.

The petition fee in the amount of \$1620.00 has charged to the credit card provided.

All other requirements under 37 CFR 1.137(b) having been satisfied, the response to the Restriction Requirement filed July 12, 2011 will be referred to Technology Center 1651 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11817261	
Filing Date	28-Aug-2007	
First Named Inventor	Hideyuki Emoto	
Art Unit	2889	
Examiner Name	NATHANIEL LEE	
Attorney Docket Number	314054US0PCT	
Title	FLUORESCENT SUBSTANCE AND PROCESS FOR PRODUCING THE SAME, AND LUMINESCENT ELEMENT USING THE SAME	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/David P. Stitzel/
Name	David P. Stitzel
Registration Number	44360



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 10,2011

In re Application of :

Hideyuki Emoto

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11817261

Filed : 28-Aug-2007

Attorney Docket No : 314054US0PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 10,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2889 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Frigg, Robert	:	DECISION ON PETITION
Application No. 11/817,376	:	TO WITHDRAW
Filed: December 14, 2007	:	FROM RECORD
Attorney Docket No. SYNT-1258	:	
(B00299US1)	:	

This is a decision on the Request to Withdraw as Attorney or Agent of record under 37 C.F.R. § 1.36(b), filed November 23, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 21186, via Customer Number 76105, was revoked by the assignee of the patent application on August 23, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891



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SCHLUMBERGER OILFIELD
SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

In re Application of

Permuy, et al.

Application No. 11/817,404

Filed: September 18, 2007

Attorney Docket No. **21.1309-US**

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the final Office action mailed January 28, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on April 29, 2009. A Notice of Abandonment was mailed September 2, 2009.

It has been determined that the amendment filed September 13, 2010, places the application in condition for allowance.

The application is being forwarded to Technology Center 2800, GAU 2856 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

MAILED
JAN 11 2011
OFFICE OF PETITIONS

: DECISION ON PETITION

:



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Paper No.

SEP 21 2010

OFFICE OF PETITIONS

LICATA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON NJ 08053

In re Application of	:	
Wang	:	DECISION ON APPLICATION
Application No. 11/817,431	:	FOR
Patent No. 7,776,819	:	PATENT TERM ADJUSTMENT
Filed: October 19, 2007	:	
Issued: August 17, 2010	:	
Attorney Docket No. UIC0015US.NP	:	
Title: TARGETED DRUG DELIVERY OF	:	
PAIN AND ADDICTION THERAPIES	:	
USING OPIOID RECEPTOR-MEDIATED	:	
INTERNALIZATION	:	

This is a decision on the "Application for Patent Term Adjustment Determination under 37 C.F.R. 1.705(d)," filed August 24, 2010. Patentee requests that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred and eighty (580)¹ days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED**.

Patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 C.F.R. § 1.136.

Patentee has indicated that this patent is not subject to a terminal disclaimer.²

¹ The period between October 30, 2008 (the 14-month anniversary of August 30, 2007) and June 2, 2010 is 580 days.

² Petition, page 2.

Application No. 11/817,431 matured into U.S. patent No. 7,776,819 on August 17, 2010, with a patent term adjustment of 530 days. The patent term adjustment stems from a single period of examination delay. 37 C.F.R. § 1.703(a)(1) indicates that the period of patent term adjustment is:

The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first

Emphases added.

This application fulfilled the requirements of 35 U.S.C. 371 in an international application on October 19, 2007 (the fulfillment date), and a notice of allowance was mailed 14 months and 530 days later on June 2, 2010, resulting in 530 days of examination delay pursuant to 37 C.F.R. § 1.703(a)(1).

Patentee contests this finding and asserts that "the calculation was incorrectly based upon the date of October 19 2007 when all requirements of 35 U.S.C. § 371 were fulfilled rather than the correct date of August 30, 2007 *on which the national stage commenced under 35 U.S.C. § 371 (b) or (f)* (emphasis added)."

The italicized text immediately above appears to be a typographical error. The national stage commenced not on August 30, 2007, but rather on September 4, 2007 (30 months from the priority date of March 3, 2005 is September 3, 2007, which fell on a federal holiday). August 30, 2007 is the date on which the application was filed with the Office.

On September 10, 2010, Paul Shanoski contacted Petitioner requesting clarification of this matter. Petitioner returned the telephone call and left a voicemail, indicating that she believes that the 14-month calculation should commence with the date on which this application was deposited with the Office, August 30, 2007.

Patentee's assertion regarding the inaccuracy of the 530-day reduction is not persuasive. The delay is properly calculated as running from the *fulfillment date* until the mailing of the notice of allowance, and not the filing date. Patentee would have the Office *calculate the period of delay by beginning at the filing date (instead of the fulfillment date) and concluding*

*with the date of the mailing of the notice of allowance, which is erroneous, due to the fact that this application was filed under 35 U.S.C. § 371.*³

37 C.F.R. § 1.703(a)(1) indicates that the period of delay begins on the day that is fourteen months after:

- the date on which the application was filed under 35 U.S.C. 111(a), or;
- the date on which the application fulfilled the requirements of 35 U.S.C. § 371.

The application was not filed under 35 U.S.C. § 111(a), and as such, the period of delay cannot run from the date on which this application was filed under 35 U.S.C. § 111(a). Since the application was filed under 35 U.S.C. § 371, it follows that the period of delay must start from the fulfillment date.

In view thereof, the patent term adjustment of 530 days is correct.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,⁴ hand-delivery,⁵ or facsimile.⁶ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁷

As the patent issued with a patent term adjustment of 135 days, a certificate of correction is not required.

³ See transmittal letter which was included on initial deposit.

⁴ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁵ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁶ (571) 273-8300 - please note this is a central facsimile number.

⁷ <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Telephone inquiries regarding this decision may be directed to Senior Attorney Paul Shanowski at (571) 272-3225.⁸



Anthony Knight
Director
Office of Petitions

⁸ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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BARLEY SNYDER
101 LINDENWOOD DRIVE
SUITE 100
MALVERN PA 19355

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Edmund Nagel	:	DECISION ON PETITION
Application No. 11/817,445	:	TO WITHDRAW
Filed: August 30, 2007	:	FROM RECORD
Attorney Docket No. 44825-902	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed April 14, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED

OCT 07 2011

In re Application of	:	OFFICE OF PETITIONS
Eric Gilli	:	
Application No. 11/817,497	:	DECISION ON PETITION
Filed: October 12, 2007	:	
Attorney Docket No. P40564	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, December 1, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 2, 2011. A Notice of Abandonment was mailed on July 1, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks items (3).

As to item (3) the statement of unintentional delay is presently not acceptable since the petition was signed by attorney/agent James L. Rowland.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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RESTON VA 20191

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OCT 20 2011

OFFICE OF PETITIONS

In re Application of :
Eric Gilli :
Application No. 11/817,497 : **DECISION ON PETITION**
Filed: October 12, 2007 :
Attorney Docket No. P40564 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, December 1, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 2, 2011. A Notice of Abandonment was mailed on July 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$405, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3728 for appropriate action by the Examiner in the normal course of business on the reply received September 19, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Paper No.

SCHLUMBERGER OILFIELD
SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Duhanyan et. al. : DECISION ON PETITION
Application No. 11/817,760 :
Filed: July 1, 2008 :
Attorney Docket No. 21.1291-US:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed March 11, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the final Office action mailed August 19, 2010. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply filed and no extension of time obtained, the application became abandoned effective November 20, 2010. A courtesy Notice of Abandonment was mailed on March 3, 2011.

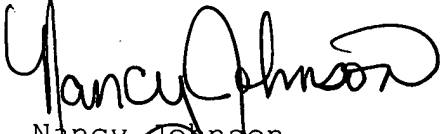
The petition includes the required reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR §1.17(m). No terminal disclaimer is required.

Technology Center AU 2855 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed March 11, 2011.

Application No. 11/817,760

Page 2

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Guy Schou, et al. :
Application No. 11/817,784 : **DECISION ON PETITION**
Filed: September 4, 2007 :
Attorney Docket No. 4590-719 :

This is a decision on the petitions, filed January 27, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application, or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

This application was held abandoned for failure to timely submit corrected formal drawings on or before December 17, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed September 17, 2009. A Notice of Abandonment was mailed on January 4, 2010.

The petition under 37 CFR 1.181 is **DISMISSED**.

While it is noted that petitioner timely replied to the Notice of Allowance and Issue Fee(s) due with the payment of the Issue and Publication Fee, however petitioner did not timely reply to the outstanding drawing requirement noted in the Notice of Allowability. Petitioner had until December 17, 2009 to timely filed corrected drawings.

Petitioner further argues that in the Detailed Action does the Examiner indicate that the applicants must submit these changes", however listed in the Notice of Allowability item no. 5 specifically states " Corrected Drawings (as "replacement sheet") must be submitted, along with (b) including the changes required by the attached Examiner's amendment / comment in the Office action.

As to the petition under 37 CFR 1.137(b):

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$1620, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

In view of the above, the petition under 37 CFR 1.137(b) is **GRANTED**.

As authorized, the \$1620 fee required by 37 CFR 1.137(b) will be charged to petitioner's Deposit Account No. 071337.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to April M., Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for further processing into a patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

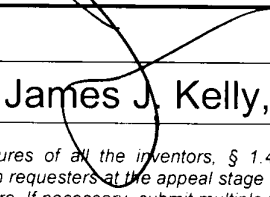
Nonprovisional Application Number or Control Number (if applicable): 11/817,843	Patent Number (if applicable):
First Named Inventor: Masao KANEKO	Title of Invention: PHOTOPHYSICOCHEMICAL CELL

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date <u>05/31/11</u>
Name (Print/Typed) James J. Kelly, Ph.D.	Practitioner Registration Number 41,504
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JUN 02 2011

In re Application of	:	OFFICE OF PETITIONS
Masao Kaneko	:	
Application No. 11/817,843	:	DECISION ON PETITION
Filed: September 5, 2007	:	
Attorney Docket No. 313798US0PCT	:	

This is a decision on the request filed May 31, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 20, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1735 for re-mailing the Office action of January 20, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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**FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007**

MAILED

APR 25 2011

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

In re Application of
Gerald Bacher et al.
Application No. 11/817,867
Filed: September 5, 2007
Attorney Docket No. JCLA25357

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kristel Schorr, on behalf of all attorneys/agents associated with customer number 22428. All attorneys/agents associated with customer number 22428 been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mondobiotech AG
Murgstrasse 18
Stans, Switzerland 6371



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/817,867	09/05/2007	Gerald Bacher	JCLA25357

CONFIRMATION NO. 7730

POWER OF ATTORNEY NOTICE



OC000000047354573

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 04/26/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/10/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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OFFICE OF PETITIONS

PHARMACIA CORPORATION
C/O PFIZER INC
EASTERN POINT ROAD, MS9114
GROTON CT 06340

In re Application of	:	
Das, et al.	:	
Application No. 11/817,898	:	ON PETITION
Filed: February 14, 2008	:	
Attorney Docket No. PC033247A	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 10, 2010.

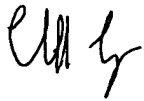
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed January 29, 2010. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on April 30, 2010. The Office mailed a Notice of Abandonment on August 10, 2010.

With the instant petition, applicants paid the petition fee and made the proper statement of unintentional delay, and submitted the required reply in the form of continuation application No. 12/879,916, filed September 10, 2010.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above identified application is again abandoned in favor of the continuation application, no. 12/879,916, filed September 10, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', is positioned above the typed name.

Cliff Congo
Petitions Attorney
Office of Petitions



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NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED

DEC 30 2011

OFFICE OF PETITIONS

In re Application

Nirmal Sen

Application No. 11/817,973

Filed: September 7, 2007

Attorney Docket No.

ANJA0010PCT-US

:
:
: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:

This is in response to the 37 CFR 1.705 APPLICATION FOR PATENT TERM ADJUSTMENT filed December 20, 2011. Applicant requests that the determination of patent term adjustment be corrected from 455 days to 832 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is being considered in light of the recent court decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

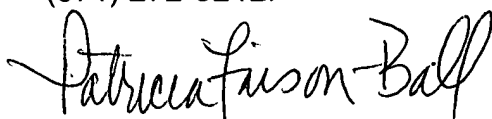
Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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SEP 29 2011

OFFICE OF PETITIONS

Kinney & Lange, P.A.
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

In re Application of	:	DECISION ON APPLICATION FOR
Norris, et al.	:	PATENT TERM ADJUSTMENT
Application No. 11/818,035	:	
Filed: June 13, 2007	:	
Dkt. No.: PA0004062U-U73.12-212KL	:	

This is a decision on the petition filed on September 23, 2011 requesting that the patent term adjustment, as indicated on the Determination of Patent Term Adjustment, be corrected to indicate that, as of the time of allowance, the above-identified application is entitled to a patent term adjustment 686 days.

The petition to correct the patent term adjustment indicated on Determination of Patent Term Adjustment to indicate that the patent term adjustment to date is 686 days is **GRANTED**.

The Office acknowledges receipt of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Attached please find copy of the adjusted PAIR calculation.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11818035

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 11818035

Application Filing Date	06/13/2007	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	916
A Delays	916	PTO Manual Adjustment	61
B Delays	0	Applicant Delay (APPL)	291
C Delays	0	Total PTA (days)	686

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
78	09/27/2011		P028	Adjustment of PTA Calculation by PTO	686		0
77	09/27/2011		P028	Adjustment of PTA Calculation by PTO		916	0
76	09/27/2011		P028	Adjustment of PTA Calculation by PTO	291		0
72	09/07/2011		MM/=.	Mail Notice of Allowance			0
71	09/07/2011		OAR	Office Action Review			0
70	09/07/2011		OAR	Office Action Review			0
69	09/07/2011		OAR	Office Action Review			0
68	09/07/2011		IREV	Issue Revision Completed			0
67	08/24/2011		OAR	Office Action Review			0
66	08/24/2011		OAR	Office Action Review			0
65	08/24/2011		DVER	Document Verification			0
64	08/24/2011		N/=.	Notice of Allowance Data Verification Completed			0
63	08/24/2011		DOCK	Case Docketed to Examiner in GAU			0
62	08/15/2011		EX.R	Reasons for Allowance			0
61	08/15/2011		CNTA	Allowability Notice			0
56	06/27/2011		FWDX	Date Forwarded to Examiner			0
55	06/13/2011		A...	Response after Non-Final Action			0
57	04/22/2011		IDSC	Information Disclosure Statement considered			0
54	04/22/2011		RCAP	Reference capture on IDS			0
53	04/22/2011		EIDS.	Electronic Information Disclosure Statement			0
52	04/22/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
51	03/16/2011		MCTNF	Mail Non-Final Rejection			0
47	02/28/2011		CTNF	Non-Final Rejection			0
46	01/14/2011		C.ADB	Correspondence Address Change			0
45	11/30/2010		FWDX	Date Forwarded to Examiner			0
44	11/18/2010		A...	Response after Non-Final Action			0
42	10/14/2010		MCTNF	Mail Non-Final Rejection			0
41	10/12/2010		CTNF	Non-Final Rejection			0
35	07/17/2010		FWDX	Date Forwarded to Examiner			0
34	07/15/2010		ELC.	Response to Election / Restriction Filed			0
49	07/13/2010		IDSC	Information Disclosure Statement considered			0
48	07/13/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
36	07/13/2010		EIDS.	Electronic Information Disclosure Statement			0
33	07/13/2010		EIDS.	Electronic Information Disclosure Statement			0
32	06/30/2010	12/27/2007	MCTRS	Mail Restriction Requirement	916		13
31	06/29/2010		CTRS	Restriction/Election Requirement			0
30	04/10/2009		DOCK	Case Docketed to Examiner in GAU			0
29	04/10/2009		TI1052	Decision Made by Classification Division			0
28	04/10/2009		TI1054	Request for Classification Division Decision			0
27	04/03/2009		TI1050	Transfer Inquiry to GAU			0
26	12/18/2008		PG-ISSUE	PG-Pub Issue Notification			0
25	11/19/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
21	09/30/2008		OIPE	Application Dispatched from OIPE			0
20	09/11/2008		PG-PB-DT	PG-Pub Notice of new or Revised projected publication date			0
19	09/11/2008		PGPC	Sent to Classification Contractor			0
18	09/09/2008		L130	Receipt of all Acknowledgement Letters			0
17	09/09/2008		L197	Receipt of Acknowledgment Letter			0
16	09/09/2008		L197	Receipt of Acknowledgment Letter			0
24	06/18/2008		A.PE	Preliminary Amendment			0
22	06/13/2008	08/27/2007	M844	Information Disclosure Statement (IDS) Filed		291	13
15	02/15/2008		FLRCPT.R	Filing Receipt - Replacement			0
14	02/01/2008		APPERMS	Applicants have given acceptable permission for participating foreign			0
13	08/27/2007		L175	Applicant response received			0
12	07/27/2007		ML170	Request for Applicant Statement Regarding Potential NASA Interest (45-Day Letter) Mailed			0
11	07/17/2007		PGPW	Waiting LR clearance			0
10	07/17/2007		COMP	Application Is Now Complete			0
9	07/10/2007		ML196	Agency Referral Letter Mailed			0
8	07/10/2007		ML196	Agency Referral Letter Mailed			0
7	07/09/2007		L170	Referred for NASA Property Rights review by L&R LARS			0
6	07/09/2007		L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated			0
5	07/09/2007		L196	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated			0
4	07/03/2007		L198	Referred to Level 2 (LARS) by OIPE CSR			0
3	06/24/2007		SCAN	IFW Scan & PACR Auto Security Review			0
1	06/14/2007		IEXX	Initial Exam Team nn			0
37	06/13/2007		IDSC	Information Disclosure Statement considered			0
23	06/13/2007		RCAP	Reference capture on IDS			0
2	06/13/2007		WIDS	Information Disclosure Statement (IDS) Filed			0
0.5	06/13/2007		EFILE	Filing date			0

Export to: Excel



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**MCDONALD HOPKINS LLC
600 SUPERIOR AVENUE, EAST
SUITE 2100
CLEVELAND OH 44114-2653**

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Nottingham et al.	:	
Application No. 11/818,062	:	DECISION ON PETITION
Filed: June 13, 2007	:	
Attorney Docket No. 35417-00001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 15, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on July 16, 2010. A Notice of Abandonment was mailed October 27, 2010.

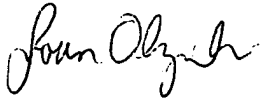
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555.00, three- month extension of time fee submitted with the petition on January 24, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3721 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/3/11

Paper No.: _____

TO SPE OF : ART UNIT 11948

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/818113 Patent No.: _____

CofC mailroom date: 12-1-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should COC be approved

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

E. Chang
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Zachariah Lucas/

1648

SPE

Art Unit



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GAZDZINSKI & ASSOCIATES, PC
16644 WEST BERNARDO DRIVE
SUITE 201
SAN DIEGO CA 92127

MAILED
AUG 10 2011
OFFICE OF PETITIONS

In re Application of :
Chris CHOLAS et al. :
Application No. 11/818,236 : **ON PETITION**
Filed: June 13, 2007 :
Attorney Docket No. TWAR.055A/TWC 06-25 :

This is a decision on the petition under 37 CFR 1.59(b), filed June 16, 2011, to expunge information from the above identified application.

The petition is **DISMISSED AS MOOT**.

Petitioner asserts that on June 1, 2011, a Response to Notice to File Missing Parts, Notice to File Missing Parts of Non-provisional Application, and Declaration and Power of Attorney were electronically filed in the current application in Private PAIR. These documents were filed in this application in error, and were intended to be filed in Application Serial No. 13/007,837. Upon realizing the filing error, Petitioner filed the documents in the correct application (i.e., Application Serial No. 13/007,837). Petitioner requests that the documents be removed from this application file.

As set forth in MPEP 502:

A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number.

As set forth in MPEP 724.05(III):

Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Application No. 11/818,236

The documents filed June 1, 2011 included the Applicant's name, Application Serial No., attorney docket number, title of invention, and filing date, all of which are associated with Application No. 13/007,837.

In view of the above, the documents filed June 1, 2011 will be removed from the application file, and no fee will be charged. As a result, the petition fee of \$200 charged on June 16, 2011 to Deposit Account No. 501423 will be refunded.

In addition, as Petitioner has requested, the surcharge fee of \$65 and the extension of time fee of \$245, associated with the documents filed June 1, 2011, charged for this application, will be refunded to Deposit Account No. 501423.

Telephone inquiries concerning this decision should be directed to Andre Boyce at (571) 272-6726, or in his absence, the undersigned at (571) 272-7099.

A handwritten signature in black ink, appearing to read 'David A. Bucci', is written over the printed name.

David A. Bucci
Petitions Examiner
Office of Petitions

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/818,257	06/13/2007	Masashi Miyagawa	4041J-001317	9370

EXAMINER	
FORD, JOHN K	

ART UNIT	PAPER NUMBER
3784	

MAIL DATE	DELIVERY MODE
03/21/2011	PAPER

7590 03/21/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)


The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.



Patent Publication Branch
Office of Data Management



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LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE, MA 02142

MAILED
AUG 18 2010
OFFICE OF PETITIONS

In re Application of	:	
Richard H. Theriault	:	DECISION ON PETITION
Application No. 11/818,328	:	TO WITHDRAW
Filed: June 14, 2007	:	FROM RECORD
Attorney Docket No. C2046-700310	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on June 30, 2010.

The request is **NOT APPROVED**.

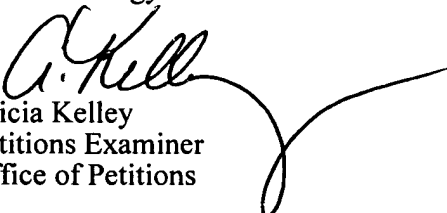
The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted. A form for filing Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) accompanies this decision

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions

Enclosure: Request for Withdrawal as Attorney or Agent and Change Correspondence Address
PTO/SB/83



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ONE MAIN STREET, SUITE 1100
CAMBRIDGE, MA 02142

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
Richard H. Theriault
Application No. 11/818,329
Filed: June 14, 2007
Attorney Docket No. C2046-700010

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on June 30, 2010.

The request is **NOT APPROVED**.

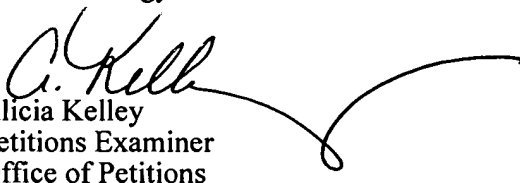
The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted. A form for filing Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) accompanies this decision

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions

Enclosure: Request for Withdrawal as Attorney or Agent and Change Correspondence Address
PTO/SB/83



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE of Data Management

ANTHONY KONDAKS
65 18th Avenue West
VANCOUVER BC V5Y 2A3 CA CANADA

In re Application of
KONDAKS, ANTHONY C.
Application No. 11/818,407
Filed: June 14, 2007
Attorney Docket No.:

JUL 07 2011
:
:
DECISION ON PETITION
:
:

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on April 15, April 22, April 29 and June 8, 2011.

The petition is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed December 20, 2010. The Notice of Abandonment, mailed on April 4, 2006 indicates, "The submitted fee of \$1050 is insufficient. A balance of \$5 is due".

The Office acknowledges receipt of Part B – Fee(s) Transmittal on February 24, 2011 with a check for the amount of \$1050 which was insufficient funds.

The holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an **unavoidable** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an **unintentionally** abandoned application

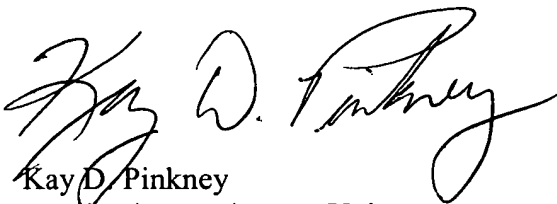
Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquires concerning this decision matter may be directed to the undersigned at (703) 756-1547.

A handwritten signature in black ink, appearing to read 'Kay D. Pinkney', is written over the typed name and title.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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CAMBRIDGE, MA 02142

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
Richard H. Theriault
Application No. 11/818,429
Filed: June 14, 2007
Attorney Docket No. C2046-700110

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on June 30, 2010.

The request is **NOT APPROVED**.

The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted. A form for filing Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) accompanies this decision

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

Enclosure: Request for Withdrawal as Attorney or Agent and Change Correspondence Address
PTO/SB/83



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AUG 18 2010

In re Application of
Richard H. Theriault
Application No. 11/818,430
Filed: June 14, 2007
Attorney Docket No. C2046-700210

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on June 30, 2010.

The request is **NOT APPROVED**.


The Office no longer accepts address changes to a new practitioner or law firm filed with requests under 37 C.F.R. § 1.36(b). The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted. A form for filing Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) accompanies this decision

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions

Enclosure: Request for Withdrawal as Attorney or Agent and Change Correspondence Address
PTO/SB/83



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**DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996**

MAILED

SEP 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Carrington, Janice	:	DECISION ON PETITION
Application No. 11/818,578	:	TO WITHDRAW
Filed: June 14, 2007	:	FROM RECORD
Attorney Docket No. 37589-0016-00-US (406277)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 3, 2010.

The request is **NOT APPROVED**.

The Request for Withdrawal is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with all of the above certifications. Specifically, petitioner has failed to certify item (2) listed above.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Eiana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 02 2010

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PCT LEGAL ADMINISTRATION

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of: CARPENTIER, et al. :

U.S. Application No.: 11/818,644 :

Filing Date: June 15, 2007 :

Attorney Docket No.: RN01059D1 :

For: BLOCK COPOLYMER :

PREPARATION METHOD, BLOCK :

COPOLYMERS THUS OBTAINED :

AND USE THEREOF AS :

COMPATIBILIZERS :

DECISION ON PETITION

This is a decision on the "Petition Under 37 CFR 1.55(c) To Accept Unintentionally Delayed Claim For Foreign Priority Under 35 U.S.C. 119" filed August 26, 2010.

The petition is **DISMISSED AS MOOT**.

The petition apparently seeks to add to the present application unintentionally delayed claims of foreign priority directed to French Application No. 01/06600, filed May 18, 2001, 2006, and to international application PCT/FR02/01684, filed May 17, 2002.

With respect to French Application No. 01/06600, the foreign priority claim was timely made by applicants in the executed declaration filed by applicants with the original application materials on June 15, 2007.¹ Because this claim of foreign priority was properly made at the time of filing, a petition under 37 CFR 1.55(c) is not necessary with respect to such claim.

With respect to international application PCT/FR02/01684, the present application contains a domestic benefit claim identifying the application as a continuation of U.S. application 10/477,572, and U.S. application 10/477,572 is the U.S. national stage of international application PCT/FR02/01684. Under these circumstances, a claim of foreign priority directed to the international application is inappropriate.² Moreover, an amendment adding a specific reference to the international application (such as that filed with the present petition) is not considered the addition of a new claim of domestic or foreign priority for which a petition under 37 CFR 1.78(a)(3) or 37 CFR 1.55(c) would be required. See MPEP section 1893.03(c), "a national stage application submitted under 35 U.S.C. 371 may not claim benefit of

¹ It is noted that the filing receipt mailed herein on July 31, 2007 included this foreign priority claim.

² A claim of foreign priority may be directed to an international application under some circumstances; however, in the present case, where the international application was filed more than twelve months prior to the next application in the priority chain (10/477,572), and where applicants have claimed priority to a foreign application filed one year prior to the international application, such a claim is not proper.

the filing date of the international application of which it is the national stage since its filing date is the international filing date of the international application.” See also Broadcast Innovation, L.L.C. and IO Research PTY LTD v. Charter Communications, Inc. and Comcast Corporation, 420 F.3d 1364, 1367 (Fed. Cir., Aug 19, 2005): “Where proper reference to a national stage application exists, no reference to the corresponding PCT application is required because the national stage application effectively has the same U.S. filing date as the PCT application.”

In sum, the present application includes a timely-made domestic benefit claim directed to the U.S. national stage of PCT/FR02/01684 (U.S. application 10/477,572) and a timely-made claim of foreign priority directed to French Application No. 01/06600. The petition for acceptance of unintentionally delayed foreign priority claims directed to PCT/FR02/01684 and French Application No. 01/06600 is therefore unnecessary and appropriately dismissed as moot.

The \$1,410 petition fee filed by petitioner with respect to the present petition will be refunded to applicants.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3296



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Paper No.

DEC 06 2010

OFFICE OF PETITIONS

Karl Mullen
642 No Alberta St.
Portland OR 97217

In re Application of	:	
Talbott	:	
Application No. 11/818,667	:	DECISION ON PETITION
Filed: June 16, 2007	:	PURSUANT TO
Attorney Docket Number: 061607	:	37 C.F.R. § 1.137(B)
DIV SYD	:	
Title: ENERGY TRANSLATING	:	
FOOTWEAR MECHANISM FOR	:	
ENHANCING FORWARD	:	

This is a decision on the petition filed September 7, 2010, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

This petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed October 21, 2008, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 22, 2008. A Notice of abandonment was mailed on May 28, 2009.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on April 16, 2010, along with, *inter alia*, a response to the restriction requirement. The petition was dismissed via the mailing of a decision on May 25, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

- § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the election of species that was received on April 16, 2010 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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LEFFERT JAY & POLGLAZE, PA
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

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FEB 24 2011

OFFICE OF PETITIONS

In re Application of :
Frankie R. Poohiparvar :
Application No. 11/818,686 : DECISION GRANTING PETITION
Filed: June 15, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 400.486US01 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 23, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 9, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2827 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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July 11, 2011

ATER WYNNE LLP
1331 NW Lovejoy St. Suite 900
PORTLAND OR 97209-2785

Re Application of
WEBSTER, SCOTT, ET AL
Application: 11/818849
Filed: 06/15/2007
Attorney Docket No: 102610-0007

**: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 15, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JAN 11 2011

OFFICE OF PETITIONS

**FLETCHER YODER (MICRON TECHNOLOGY, INC.)
P.O. BOX 692289
HOUSTON, TX 77269-2289**

In re Application of :
Jacob R. Baker :
Application No. 11/818,982 : **ON PETITION**
Filed: June 15, 2007 :
Attorney Docket No. MICS:0163/MAN/2006-07 :

This is a decision on the petition, filed on June 29, 2010, which is being treated as a petition requesting that the requirement of 37 CFR 1.181 be waived or suspended pursuant to 37 CFR 1.183 in order to withdraw the holding of abandonment in the above-identified application. Alternatively, petitioner also seeks a petition under the unintentional provisions of 37 CFR 1.137(b).

The application became abandoned for failure to file a timely reply within the meaning of 37 CFR 1.113 to the final Office action of February 2, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the date of abandonment of this application is May 3, 2009. A Notice of Abandonment was mailed October 2, 2009.

The petition under 1.183 is **DISMISSED**.

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner. As, 35 U.S.C. 133 states that Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable. In view of the above, the USPTO does not have the authority to waive this requirement of the statute.

The petition under 1.137(b) is **GRANTED**.


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an Amendment, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Petitioner should note that the fee for the petition under 37 CFR 1.183 is \$400 and will be charged to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center 2827 for further examination on the merits.



David Bucci
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/819,047	06/25/2007	William A. Dambrackas	2540-1053	5943
42624 7590 08/18/2010 DAVIDSON BERQUIST JACKSON & GOWDEY LLP 4300 WILSON BLVD., 7TH FLOOR ARLINGTON, VA 22203				
EXAMINER SENFU, BEHROOZ M				
ART UNIT			PAPER NUMBER	
2621				
MAIL DATE			DELIVERY MODE	
08/18/2010			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

MAIL

AUG 17 2010

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

In re Application of
William Dambrackas
Serial No.: 11/819,047
Filed: **June 25, 2007**

For: **VIDEO COMPRESSION SYSTEM**

:
:
:
:
: *DECISION ON PETITION*
: *Acceptance Of Color Drawings*

This is a decision on the petition under 37 CFR §1.184(a)(2), filed June 25, 2007 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS. 12 and 13 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/819,047	06/25/2007	William A. Dambrackas	2540-1053	5943
42624 7590 08/18/2010 DAVIDSON BERQUIST JACKSON & GOWDEY LLP 4300 WILSON BLVD., 7TH FLOOR ARLINGTON, VA 22203				
			EXAMINER SENF, BEHROOZ M	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/18/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

MAIL

AUG 17 2010

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

In re Application of
William Dambrackas
Serial No.: 11/819,047
Filed: **June 25, 2007**

For: **VIDEO COMPRESSION SYSTEM**

*DECISION ON PETITION
Acceptance Of Color Drawings*

This is a decision on the petition under 37 CFR §1.184(a)(2), filed June 25, 2007 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS. 12 and 13 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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MAY 02 2011
OFFICE OF PETITIONS

In re Application of
Han Yung Jung et al
Application No. 11/819,153
Filed: June 25, 2007
Attorney Docket No. 41501-0000

:
:
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:
:
ON PETITION


This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 6, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on August 7, 2010.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2629 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

MAILED
JUN 22 2011
OFFICE OF PETITIONS

In re Patent of Jiang	:	
Patent No. 7,873,358	:	
Issue Date: January 18, 2011	:	Decision on Request
Application No. 11/819,164	:	
Filing Date: June 25, 2007	:	
Attorney Docket No. 028327.00203	:	

This is a decision on the "Request for Certificate of Correction Pursuant to 37 CFR 1.322" filed March 7, 2011.

The request is **dismissed**.

Facts

The issue fee transmittal form submitted by Patentee on December 2, 2010, includes a section titled, "Assignee Name and Residence Data to be Printed on the Patent." The section includes the following language, "Unless an assignee is identified below, no assignee data will appear on the patent. Patentee did not include any assignee data on the issue fee transmittal form.

The patent issued January 18, 2011. The patent does not include any assignee data.

The instant request states the patent includes a typographical error and requests the addition of an assignee's name to the patent to correct the error. The request states, "The error was not in the application as filed by applicant; accordingly no fee is required."

Discussion

A request for issuance of a certificate of correction under 37 CFR 1.322 must demonstrate the certificate corrects a mistake "incurred through the fault of the Office." The alleged mistake was not incurred through the fault of the Office. Therefore, the request under 37 CFR 1.322 is dismissed.

If Patentee wishes for the Office to issue a certificate of correction adding the assignee's name to the patent, a grantable request under 37 CFR 3.81(b) must be filed.

A request under 37 CFR 3.81(b) for a patent to be corrected by adding assignee information must:

- (1) Include the fee set forth in 37 CFR 1.17(i),
- (2) State an assignment to the assignee was submitted for recordation prior to issuance of the patent, and
- (3) Be accompanied by a request for a certificate of correction under 37 CFR 1.323 and the fee set forth in 37 CFR 1.20(a).

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹ Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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21-80 38 ST, #C8
ASTORIA NY 11105

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OFFICE OF PETITIONS

In re Application of	:	
Kuo-Tai HSU	:	
Application No. 11/819,170	:	DECISION ON PETITION
Filed: June 26, 2007	:	
Attorney Docket No. YUZ-001-EFP-1080	:	

This is a decision on the renewed petition, filed September 06, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the final Office action mailed June 15, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 04, 2010.

Petitioner asserts that the advisory action dated August 24, 2009 was not received.

A review of the written record indicates an irregularity in the mailing of the advisory action of August 24, 2009. In this regard, the Office received a power of attorney on August 04, 2009, prior to the mailing of the advisory action of August 24, 2009. Office records have been updated to reflect this new change of address.

ALTERNATIVE VENUE

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- Further correspondence with respect to this matter should be addressed as follows:

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to Michelle R. Eason at (571) 272-4231.

Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally
Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

A handwritten signature in black ink, appearing to read 'Thurman K. Page', with a stylized, cursive script.

Thurman K. Page
Petitions Examiner
Office of Petitions

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)


Nonprovisional Application Number or Control Number (if applicable): 11/819,191	Patent Number (if applicable):
First Named Inventor: Miho OZAWA	Title of Invention: CAPILLARY ELECTROPHORESIS APPARATUS

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature  Name (Print/Typed) Aamer S. Ahmed	Date May 26, 2011 Practitioner Registration Number 58,958
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input checked="checked" type="checkbox"/> *Total of <u>1</u> forms are submitted.	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Ozawa et al. :
Application No. 11/819,191 : **DECISION ON PETITION**
Filed: June 26, 2007 :
Attorney Docket No. 075905-0039 :

This is a decision on the request filed May 26, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 4, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1724 for re-mailing the Office action of January 4, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/819,199	06/26/2007	Toshimitsu Watanabe	062807-0435	6712
20277 7590 02/15/2011 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			MAIL DATE 02/15/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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FEB 15 2011

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

In re Application of	:	
WATANABE, TOSHIMITSU, et al.	:	DECISION ON REQUEST TO
Application No. 11/819,199	:	PARTICIPATE IN PATENT
Filed: June 26, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 062807-0435	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 24, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400



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MANELLI DENSION & SELTER PLLC
2000 M STREET, N.W.
7TH FLOOR
WASHINGTON, DC 20036-3307

MAILED
JAN 31 2011
OFFICE OF PETITIONS

In re Application of	:	
Yinjun ZHU et al.	:	
Application No. 11/819,262	:	DECISION ON PETITION
Filed: June 26, 2007	:	
Attorney Docket No. 20-638	:	

This is a decision on the petition under 37 CFR 1.182, filed October 04, 2010, to correct filing receipt.

The petition is **GRANTED**.

Applicants request a filing receipt indicating applicant's claim for priority. Applicants asserts that at the time of filing the application on June 26, 2007 and on July 01, 2010 amendments were filed amending the specification to claim priority.

In view of the petition and the documents previously submitted to the Office a filing receipt has been issued properly indicating applicants claim for priority.

This application is being referred to the Office of Data Management.

Telephone inquiries regarding this decision should be directed to the Michelle R. Eason at (571) 272-4231.

Thurman Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/819,262	06/26/2007	2617	1300	20-638	5	1

CONFIRMATION NO. 7995

REPLACEMENT FILING RECEIPT



OC000000045767595

MANELLI DENISON & SELTER PLLC
7th Floor
2000 M Street, N. W.
Washington, DC 20036-3307

Date Mailed: 01/31/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Yinjun Zhu, Mercer Island, WA;
Richard Dickinson, Seattle, WA;
Roger Marshall, Auburn, WA;
Steven P. Helme, Shoreline, WA;

Power of Attorney:

W Taltavull III--25647 William Bollman--36457
Paul White Jr--32011
Leon Turkevich--34035
Jeffrey Melcher--35950
Edward Stemberger--36017

Domestic Priority data as claimed by applicant

This application is a CON of 10/836,330 05/03/2004 PAT 7,260,186
which is a CON of 10/739,292 12/19/2003 PAT 6,940,950
and claims benefit of 60/555,305 03/23/2004

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 07/19/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/819,262**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

SOLUTIONS FOR VOICE OVER INTERNET PROTOCOL (VOIP) 911 LOCATION SERVICES

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket Number: 102281.58926US

Patent Number: 7,657,904

Filing Date: June 26, 2007
(or 371(b) or (f) Date):

Issue Date: February 02, 2010

First Named Inventor: Takahiro KATAYAMA

Title: Program Viewing Control Apparatus

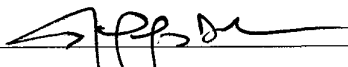
PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature



Date August 2, 2010

Name: Jeffrey D. Sanok
(Print/Typed)

Registration Number 32,169

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☒ *Total of ____ - 1 - ____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1 450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 08/12/2010

Applicant	: Takahiro Katayama	: DECISION ON REQUEST FOR
Patent Number	: 7657904	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/819,302	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **402** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 21, 2011

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No. 11/819307 patent No. 7598260
C of C mailroom date: -04-14-11

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch
571-272- 0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: 1. Request of correction of the term "mow" in "column 339, line 17 has been entered.

2. Request of change of the term "m" to "n" in column 342, lines 3-7 has not been entered.

3. Request of change of the term "m" to "n" in column 342, lines 7-11 has not been entered.

Formatted: Indent: Left: 88 pt

Deleted: _____

R.S.

/Brandon J. Fetterolf/

1628

SPE

Art Unit



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/04/2010

Applicant	: Tomoya Ishikawa	: DECISION ON REQUEST FOR
Patent Number	: 7644511	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/819,354	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **99** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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DICKSTEIN SHAPIRO LLP
1825 DYD STREET N.W.
WASHINGTON DC 29996-5403

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Claus Hvid Christensen et al :
Application No. 11/819,444 : **DECISION ON PETITION**
Filed: June 27, 2007 :
Attorney Docket No. H0610.0428/P428 :

This is a decision on the petition under 37 CFR 1.182, filed, August 9, 2010, to correct the spelling of the name of inventor "Marina Kustova" to – Marina Kegnaes --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's credit card account.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

The matter is being referred to the Office of Data Management.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/819,444	06/27/2007	1793	1430	H0610.0428/P428	7	1

CONFIRMATION NO. 8732

CORRECTED FILING RECEIPT



24998
DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Date Mailed: 09/27/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Claus Hviid Christensen, Lynge, DENMARK;
Kake Zhu, Vanlose, DENMARK;
Marina Kegnaes, Copenhagen, DENMARK;
Kresten Egeblad, Valby, DENMARK;

Power of Attorney: The patent practitioners associated with Customer Number 24998

Domestic Priority data as claimed by applicant

Foreign Applications

DENMARK PA 2006 00967 07/12/2006

If Required, Foreign Filing License Granted: 07/21/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/819,444**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FABRICATION OF HIERARCHICAL ZEOLITES

Preliminary Class

423

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Claus Hviid Christensen et al
Application No. 11/819,444
Filed: June 27, 2007
Attorney Docket No. H0610.0428/P428

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed May 18, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Pellicciari et al. :
Application No. 11/819517 : ON PETITION
Filing or 371(c) Date: 06/27/2007 :
Attorney Docket Number: 35147-514001US :

This is a decision on the "Petition for Waiver of the Requirement for Inventor to Sign the Supplemental Declaration," filed January 24, 2011. The petition is properly treated under 37 CFR 1.183, to waive the requirement under 37 CFR 1.67 that all of the inventors sign a supplemental declaration.

The petition under 37 CFR 1.183 is **GRANTED**.

The original application as filed listed as inventors Roberto Pellicciari, Stefano Fiorucci and Mark Purzanski. An oath/declaration signed by all three inventors was filed on March 28, 2008; however, the oath/declaration erroneously listed the citizenship of inventor Fiorucci as US. Petitioner files the present petition to correct the citizenship of inventor Fiorucci to Italian. In support of the petition, petitioner provides that a copy of the application as-filed, along with a Supplemental Declaration and Assignment were sent to inventor Fiorucci via FedEx, on August 30, 2010, and signed for by Stefano Fiorucci. A follow-up correspondence was sent to inventor Fiorucci on September 30, 2010. Petitioner has not received a response from inventor Fiorucci.

Applicable Law

37 CFR 1.67 states, in pertinent part:

(a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of § 1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.

(1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires."

With the present petition, petitioner has set forth the steps taken to secure joint inventor Fiorucci's signature on the Supplemental Declaration. Petitioner provides that a copy of the application as-filed, along with a Supplemental Declaration and Assignment were sent to inventor Fiorucci via FedEx, on August 30, 2010, and signed for by Strefano Fiorucci. However inventor Fiorucci has not responded.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The supplemental declaration was required to be signed joint inventors Roberto Pellicciari, Stefano Fiorucci and Mark Purzanski; however, only inventors Pellicciari and Purzanski executed the declaration. Petitioner has demonstrated that a *bona fide* effort was made to secure inventor Fiorucci's signature on the Supplemental Declaration. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation, requiring waiver of the rules.

The newly executed Supplemental Declaration, filed on January 24, 2011, will be entered, despite the fact that the requirement set forth in 37 CFR 1.67(a)(1) that all the inventors sign a supplemental oath or declaration has not been satisfied.

The balance of the petition fee, \$270.00, has been charged to petitioner's deposit account as authorized in the petition¹.

The application file is being referred to Technology Center Art Unit 1628 for further processing in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ The fee for a petition under 37 CFR 1.183 is currently \$400.00.



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OFFICE OF PETITIONS

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Patent No. 7,932,244	: DECISION ON REQUEST FOR
PELLICCIARI et al.	: RECONSIDERATION OF
Issue Date: 04/26/2011	: PATENT TERM ADJUSTMENT
Application No. 11/819,517	: AND
Filed: 06/27/2007	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 35147-514001US	: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM INDICATED ON FACE OF PATENT UNDER 37 C.F.R. §1.705(d)", filed June 24, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred seventy-three (773) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by seven hundred seventy-three (773) days is **GRANTED**.

The Office will charge the requisite \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the petition under 37 CFR 1.705(d) to the Deposit Account as authorized. No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seven hundred seventy-three (773) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,932,244 B2
DATED : Apr. 26, 2011
INVENTOR(S) : Pellicciari et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (737) days.

Delete the phrase "by 737 days" and insert – by 773 days--



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/819,518	06/28/2007	Zhengping Zhang		8890
69715	7590	08/08/2011		
ZHENGPIING ZHANG 401 N. Armistead St Unit T4 Alexandria, VA 22312			EXAMINER GILBERT, SAMUEL G	
			ART UNIT	PAPER NUMBER
			3735	
			NOTIFICATION DATE	DELIVERY MODE
			08/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ZPZHANG@HOTMAIL.COM
Dr.Zhang@Dietors.com



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ZHENGPING ZHANG
401 N. Armistead St
Unit T4
Alexandria VA 22312

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::

In re Application of:
ZHANG, ZHENGPING et al
Serial No.: 11/819,518
Filed: June 28, 2007
Title: DISPOSABLE DEVICE FOR
VAGINAL CLEANING AND
HYGIENE

DECISION ON PETITION

This is a decision on the petition filed on May 25, 2011 seeking withdrawal of the finality of the Office action mailed March 22, 2011. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the May 25, 2011 petition, the petitioner requests the finality of the Office action of March 22, 2011 be reconsidered and withdrawn because the applicant believes that the final rejection was premature. In particular, petitioner argues that the examiner's new grounds of rejection were not necessitated by the applicant's amendment of January 6, 2011.

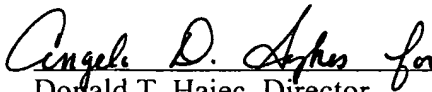
A further review of the file record shows that the instant petition was filed more than two months after the mailing date of the final Office action of March 22, 2011. Pursuant to 37 CFR 1.181(f)¹, the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of March 2, 2011 will not be granted. Based on the reasons as stated above, petitioner's request to withdraw the finality of the Office action dated May 25, 2011 is hereby dismissed as untimely.

¹ 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.



Donald T. Hajec, Director
Technology Center 3700

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: ASGE3002/JJC

Patent Number: 7662191

Filing Date
(or 371(b) or (f) Date): 2007-06-28

Issue Date: 2010-02-16

First Named
Inventor: Sigurdur Asgeirsson

Title: LINER DONNING AND DOFFING DEVICE

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /ThomasJMoore/

Date 2010-08-12

Name
(Print/Typed) Thomas J. Moore

Registration Number 28974

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/18/2010

Applicant	: Sigurdur Asgeirsson	: DECISION ON REQUEST FOR
Patent Number	: 7662191	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/819,535	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **205** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/02/2010

Applicant	: Hiroshi Miyazaki	: DECISION ON REQUEST FOR
Patent Number	: 7652442	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/819,538	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **334** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Karaoguz, et al.	:	DECISION ON APPLICATION
Application No. 11/819,740	:	FOR
Filed: June 28, 2007	:	PATENT TERM ADJUSTMENT
Atty Docket No.20262US03	:	

This is a decision on the "APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)", filed August 2, 2011, which is properly treated under 37 CFR 1.704(b). Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected to five hundred and forty-eight (548) days.

The application for patent term adjustment is **GRANTED.**

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is five hundred and forty-eight (548) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On May 4, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is four hundred and eighty-seven (487) days. On August 2, 2011, applicants timely submitted the instant application for patent term adjustment.

Applicants dispute the reduction of sixty-one (61) days for filing of a terminal disclaimer on April 19, 2011, after a reply had been filed. See 37 C.F.R. § 1.704(c)(8)². Applicants contend

² 37 CFR § 1.704(c)(8) states:

that they submitted the "terminal disclaimer at the request of the examiner.

Applicants' contention is well taken. The record supports a conclusion that the terminal disclaimer filed April 19, 2011, was expressly requested by the examiner within the meaning of 37 CFR 1.704(c)(8). Accordingly, the reduction of 61 days is not warranted and is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **five hundred and forty-eight (548) days** (578 days of Office delay - 30 days of applicant delay = 548 days).

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed[.]



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11819740

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 11819740

Application Filing Date	06/28/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	578
A Delays	578	PTO Manual Adjustment	61
B Delays	0	Applicant Delay (APPL)	91
C Delays	0	Total PTA (days)	548

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
52	08/09/2011		P028	Adjustment of PTA Calculation by PTO	61		0
41	05/04/2011		MN/-	Mail Notice of Allowance			0
40	04/29/2011		IREV	Issue Revision Completed			0
39	04/29/2011		N/-	Notice of Allowance Data Verification Completed			0
38	04/29/2011		DOCK	Case Docketed to Examiner in GAU			0
37	04/29/2011		DVER	Document Verification			0
36	04/22/2011		CNTA	Allowability Notice			0
35	04/20/2011		P574	Paralegal TD Accepted			0
34	04/19/2011	02/17/2011	DIST	Terminal Disclaimer Filed		61	32
33	02/22/2011		FWDX	Date Forwarded to Examiner			0
32	02/17/2011	01/18/2011	A...	Response after Non-Final Action		30	30
31	02/17/2011		XT/G	Request for Extension of Time - Granted			0
30	10/18/2010		MCTNF	Mail Non-Final Rejection			0
29	10/15/2010		CTNF	Non-Final Rejection			0
28	08/13/2010		FWDX	Date Forwarded to Examiner			0
27	08/11/2010		A...	Response after Non-Final Action			0
26	06/18/2010		MCTNF	Mail Non-Final Rejection			0
25	06/17/2010		CTNF	Non-Final Rejection			0
24	04/24/2010		FWDX	Date Forwarded to Examiner			0
23	04/21/2010		A...	Response after Non-Final Action			0
22	03/29/2010	08/28/2008	MCTNF	Mail Non-Final Rejection	578		0.5
21	03/26/2010		CTNF	Non-Final Rejection			0
16	03/22/2010		DOCK	Case Docketed to Examiner in GAU			0
15	12/16/2008		PA..	Change in Power of Attorney (May Include Associate POA)			0
14	12/10/2008		C.AD	Correspondence Address Change			0
13	05/19/2008		DOCK	Case Docketed to Examiner in GAU			0
12	04/10/2008		DOCK	Case Docketed to Examiner in GAU			0
11	11/01/2007		PG-ISSUE	PG-Pub Issue Notification			0
10	08/04/2007		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
7	07/31/2007		OIPE	Application Dispatched from OIPE			0
5	07/23/2007		COMP	Application Is Now Complete			0
6	07/21/2007		PGPC	Sent to Classification Contractor			0
4	07/13/2007		L194	Cleared by OIPE CSR			0
2	07/06/2007		SCAN	IFW Scan & PACR Auto Security Review			0
17	06/28/2007		IDSC	Information Disclosure Statement considered			0
9	06/28/2007		RCAP	Reference capture on IDS			0
8	06/28/2007		M844	Information Disclosure Statement (IDS) Filed			0
3	06/28/2007		WIDS	Information Disclosure Statement (IDS) Filed			0
1	06/28/2007		IEXX	Initial Exam Team nn			0
0.5	06/28/2007		EFILE	Filing date			0

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103 Oronoco St.
Suite 220
Alexandria VA 22314

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Houle : DECISION ON PETITION
Application No. 11/819,846 :
Filed: June 29, 2007 :
Atty. Dkt. No.: 17494 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 9, 2011.

The petition is **GRANTED**.

The application became abandoned July 16, 2009 for failure to timely submit a proper reply to the Notice of Non-Compliant Amendment (Notice) mailed June 15, 2009. The Notice set a one month shortened statutory period of time for reply. An untimely reply was filed July 17, 2009, but was not accompanied by a petition for extension of time. A Notice Requiring Extension of Time Fee was mailed July 22, 2009. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed December 7, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3749 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/819,874	06/29/2007	Hajime Aoyama	008312-0362136	2186
7590 02/28/2011 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER PARK, SUNGHYOUN	
			ART UNIT 4172	PAPER NUMBER
			NOTIFICATION DATE 02/28/2011	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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CATERPILLAR/FINNEGAN, HENDERSON, L.L.P.
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of :
Atkinson et al. :
Application No. 11/819,876 : **DECISION ON PETITION**
Filed: June 29, 2007 :
Attorney Docket No. 08350.7182-00000 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 1, 2011, as required by the Notice of Allowance and Fee(s) Due mailed December 1, 2010. Accordingly, the date of abandonment of this application is March 2, 2011. A Notice of Abandonment was mailed March 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510.00 and the publication fee of \$300.00, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Subraman Rao CHERUKUIRI	:	
Application No. 11/819,902	:	DECISION ON PETITION
Filed: June 29, 2007	:	TO WITHDRAW
Attorney Docket No. 2922.0060001/RWE/SLE	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 17, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert W. Esmond on behalf of all attorneys of record who are associated with customer No. 26111. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the new address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason".

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CAPRICORN PHARMA, INC.
6900 ENGLISH MUFFIN WAY
UNIT A
FREDERICK, MD 21703**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/819,966	06/29/2007	Jin-Seong Park	P58372	1872
8439 7590 01/23/2012 ROBERT E. BUSHNELL & LAW FIRM 2029 K STREET NW SUITE 600 WASHINGTON, DC 20006-1004				
			EXAMINER KEARNEY, NAIMA J	
			ART UNIT 2811	PAPER NUMBER
			NOTIFICATION DATE 01/23/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.com



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Paper No. 20120120

Robert E. Bushnell
2029 K Street N.W.
Suite 600
Washington, DC 20006-1004

Appl No.: 11/819,966 :
Inv: Jin-Seong Park et al. : **DECISION ON PETITION**
Filed: June 29, 2007 : **UNDER 37 CFR 1.181**
For: THIN FILM TRANSISTOR, METHOD OF PREPARING :
THE SAME, AND FLAT PANEL DISPLAY DEVICE :
INCLUDING THE THIN FILM TRANSISTOR :

This is a decision on the applicant's "Petition to Withdraw the Finality of an Office Action". The petitioner seeks to have the Final Rejection as outlined in the issued September 14, 2011 office action removed as it is asserted to be premature.

After a careful review of the prosecution history, the petition has been determined to be **MOOT**.

It has been noted that a new Non-final office action was mailed on January 20, 2012 thereby vacating the earlier Final Rejection and placing the application in a non-final status.

In light of this, the US Patent and Trademark Office is awaiting a response from the applicant to the outstanding Office Action of January 20, 2012.

Matthew Smith, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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THOMAS R. VIGIL LAW OFFICES
319 BLUFF COURT
BARRINGTON IL 60010

MAILED

OCT 26 2011

In re Application of
Fabio Massimo Marchesi
Application No. 11/820,108
Filed: June 18, 2007
Attorney Docket No. VGI-40010

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 1, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 4, 2011. A Notice of Abandonment was mailed April 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$930.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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SEP 17 2010

OFFICE OF PETITIONS

ROBERT F. FRIJOUF
FRIJOUF, RUST & PYLE, P.A.
201 EAST DAVIS BOULEVARD
TAMPA FL 33606

In re Application of
Hakki, et al.
Application No. 11/820,127
Filed: 18 June, 2007
Attorney Docket No.: 2007-0087

DECISION
ON PETITION

This is a decision on the petition under 37 C.F.R. §1.78(a)(3) and (a)(6), filed 29 January, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 and §119(e) for the benefit of priority to prior-filed application.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii) and §1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and §119(e) and 37 C.F.R. §1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and §1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 C.F.R. §1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional

Application No. 11/820,127

application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §120 and §119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and §1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 C.F.R. §1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this decision on petition may be directed to John J. Gillon, Jr., attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/820,127	06/18/2007	3616	500	2007-0087	3	3

CONFIRMATION NO. 3279

CORRECTED FILING RECEIPT



Robert F. Frijouf
FRIJOUF, RUST & PYLE, P.A.
201 East Davis Boulevard
Tampa, FL 33606

Date Mailed: 09/15/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Sam Hakki, Bay Pines, FL;
A-Hamid Hakki, Dunedin, FL;

Power of Attorney:

Robert Frijouf--26546
David Frijouf--50422

Domestic Priority data as claimed by applicant

This application is a DIV of 11/209,141 08/22/2005 PAT 7,232,001
which claims benefit of 60/603,982 08/24/2004

Foreign Applications

If Required, Foreign Filing License Granted: 07/18/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/820,127**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

COLLISION AIR BAG AND FLOTATION SYSTEM

Preliminary Class

280

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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United States Patent and Trademark Office
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Thomas M. Freiburger
P.O. Box 1026
Tiburon CA 94920

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of
Stewart et al.
Application No. 11/820,238
Filed: 06/18/2007
Attorney Docket No. 708-1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 12, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 12, 2010. Accordingly, the date of abandonment of this application is October 13, 2010. A Notice of Abandonment was mailed on October 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied: (1) the reply in the form of payment of the issue fee and the publication fee; (2) the petition fee; and (3) a statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

This application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WHITEFORD, TAYLOR & PRESTON LLP
7 ST. PAUL STREET
BALTIMORE MD 21202-1636

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
MELLOR, Ewan E. et al.
Application No. 11/820,252
Filed: June 19, 2007
Attorney Docket No. 080160/00006

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed November 10, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610



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P.O. Box 1450
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RENNER OTTO
BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

MAILED

JAN 17 2012

OFFICE OF PETITIONS

In re Application of
Williams
Application No. 11/820,253
Filed/Deposited: 19 June, 2007
Attorney Docket No. VIRT.P102US

:
:
: **DECISION**
:
:

This is a decision on the petition filed on 23 September, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 10 January 2011, with reply due absent extension of time on or before 10 April, 2011.

On (Monday) 11 July, 2011, Petitioner filed a request and fee for extension of time with an after-final amendment, which the Examiner refused to enter and Petitioner—as one registered to

Application No. 11/820,253

practice before the Office—knew was not as of right and not a proper reply¹ if it did not *prima facie* place the application in condition for allowance. On 1 August, 2011, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 10 July, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 23 September, 2011, Petitioner filed a petition, with fee, pursuant to 37 C.F.R. §1.137(b) with a reply in the form of a request for continued examination (RCE) and fee and a submission (the latter submitted on 25 September, 2011,) under the provisions of 37 C.F.R. §1.114 in the form of an amendment (previously submitted), and an averment of unintentional delay.

(It appears that the Technology Center failed to note that the application was abandoned, and mailed a non-final Office action on 15 December, 2011.)

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the

¹ A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178, 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁵ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).


CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2467 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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MAR 28 2011

OFFICE OF PETITIONS

Mr. Allen R. Kipnes, Esq.
WATOV & KIPNES, P.C.
P.O. Box 247
Princeton Junction, New Jersey 08550

In re Application of :
Billy J. STANBERY : DECISION GRANTING PETITION
Application No. 11/820,294 : UNDER 37 CFR 1.181
Filed: 18 June 2007
Atty. Docket No: 409.1.006

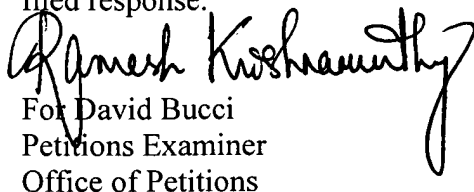
This is a decision on the petition under 37 CFR 1.181, filed 9 April 2010, requesting withdrawal of the Notice of Abandonment mailed 15 March 2010.

The petition is **GRANTED**.

Petitioner requests the Notice of Abandonment mailed 15 March 2010 for failure to respond to the Office action mailed 4 September 2009 be withdrawn as petitioner timely filed a response. As evidenced by the itemized copy of the post card receipt date stamped 3 February 2010, an amendment with a certificate of mailing date of 1 February 2010 and two (2) month extension of time was received by the USPTO. Furthermore, a review of record indicates that the original copy of the response is now in the file.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application is being forwarded to Technology Center Art Unit 1793 for action on the filed response.


For David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO CA 91436

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of

NGUYEN, Huan

Application No. 11/820,319

Filed: June 19, 2007

Attorney Docket No. 22594-003

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 20, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts one (2) and two (2) noted in the above-identified certifications has been performed.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R. 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R. 3.71, who has properly intervened by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason". The signature is fluid and cursive, with the first name "Michelle" being more prominent.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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16830 VENTURA BLVD.
SUITE 360
ENCINO CA 91436

MAILED
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OFFICE OF PETITIONS

In re Application of	:	
NGUYEN, Huan	:	
Application No. 11/820,319	:	DECISION ON PETITION
Filed: June 19, 2007	:	TO WITHDRAW
Attorney Docket No. 22594-003	:	FROM RECORD
	:	


This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that John Alunit does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **HUAN NGUYEN**
7553 QUIET COVE CIRCLE
HUNTINGTON BEACH, CA 92648



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OFFICE OF PETITIONS

BRADY NEAL WARE
P.O. BOX 297
CARNESVILLE GA 30521

In re Application of
William Volz et al.
Application No. 11/820,330
Filed: June 19, 2007
Attorney Docket Number: VOLZUSNP001

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed August 22, 2011, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed December 14, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time were requested prior to the abandonment of the application. Accordingly, a Notice of Abandonment was mailed June 20, 2011.

The record reveals that a three month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$555.00 extension of time fee submitted with June 15, 2011, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and has been refunded.

All other requirements having been met, this matter is being referred to Technology Center 3782 for appropriate action on the response filed June 15, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
One Financial Center
BOSTON MA 02111

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
James Roberts et al. :
Application No. 11/820,345 :
Filed: June 18, 2007 :
Attorney Docket No. 35039-500001US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed August 31, 2010.

The request is **NOT APPROVED**.

The instant request would like to withdraw the attorneys associated with Customer Number 64046. However, a review of the file record indicates that the Power of Attorney was originally granted to Customer Number 23980 on September 24, 2007. Therefore, the attorneys cannot withdraw Customer Number 64046 when the power of attorney was originally granted to Customer Number 23980. Accordingly, the request cannot be approved at the present time.

It is also noted that the change in correspondence address is improper. The Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : PONATH et al.
Patent No.: 7,777,008
Issue Date: August 17, 2010
Serial No. : 11/820,363
Filed : June 19, 2007

Art Unit : 1643
Examiner : Anne Gussow
Conf. No. : 3347

Title : ILT3 BINDING MOLECULES AND USES THEREFOR

Attn.: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REQUEST FOR CERTIFICATE OF CORRECTION UNDER
37 C.F.R. § 1.322 AND 37 C.F.R. § 1.323

Applicants hereby request that a certificate of correction be issued for the above-identified patent in accordance with the attached request.

The Certificate of Correction fee in the amount of \$100.00 is being paid concurrently herewith on the Electronic Filing System by way of Deposit Account No. 06-1050 authorization. The Commissioner is hereby authorized to charge any other deficiencies or required fees or credit any overpayments to Deposit Account No. 06-1050, referencing the attorney docket number above.

Respectfully submitted,

Date: October 18, 2010

/Anna M. Tan/

Anna M. Tan, Ph.D.
Reg. No. 64,463

PTO Customer Number 26191
Fish & Richardson P.C.
Telephone: (214) 747-5070
Facsimile: (877) 769-7945

90467399.doc

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: October 18, 2010

Staple
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Only

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 2

PATENT NO. .: 7,777,008
APPLICATION NO .: 11/820,363
DATED .: AUGUST 17, 2010
INVENTOR(S) .: PAUL PONATH, MICHAEL ROSENZWEIG AND JOSE F. PONTE

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 1, line 21, before “are” delete “or antigen binding fragment”.

Claim 5, line 39, before “of any” delete “thereof,”.

Claim 6, line 43, before “of any” delete “thereof,”.

Claim 6, line 44, after “upmodulates” insert --an--.

Claim 7, line 47, before “of any” delete “thereof,”.

Claim 8, line 51, before “of any” delete “thereof,”.

Claim 9, line 55, before “of any” delete “thereof,”.

Claim 10, line 60, before “of any” delete “thereof,”.

Claim 11, line 65, before “of any” delete “thereof,”.

Claim 25, line 59, before “of any” delete “thereof,”.

MAILING ADDRESS OF SENDER:

Anna M. Tan, Ph.D.
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, Minnesota 55440-1022

Staple
Here
Only

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 2 of 2

PATENT NO. .: 7,777,008
APPLICATION NO .: 11/820,363
DATED .: AUGUST 17, 2010
INVENTOR(S) .: PAUL PONATH, MICHAEL ROSENZWEIG AND JOSE F. PONTE

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 25, line 59, before “claim 1” delete “any”.

Claim 26, line 65, delete “2 3 4,” and insert --2, 3, 4,--.

Claim 26, line 67, delete “F(ab')₂” and insert --F(ab')₂--.

MAILING ADDRESS OF SENDER:

Anna M. Tan, Ph.D.
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, Minnesota 55440-1022

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101101

DATE : November 01, 2010

TO SPE OF : ART UNIT 1643

SUBJECT : Request for Certificate of Correction on Patent No.: 7,777,008

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/Misook Yu/
Supervisory Patent Examiner.Art Unit 1643



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 8032746
Application No.: 11/820365
Inventor(s) : Rajendra V. Boppana, William W. Winsborough
Issued : October 4, 2011
Attorney Docket No.: 109297.00003

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing **incorrect or erroneous** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. **the processing fee set forth in 37 CFR 1. 17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name and address on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 11/30/2011

Address: Christopher J. Rourk
Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202

ts/

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/29/11

TO SPE OF : ART UNIT 1721

SUBJECT : Request for Certificate of Correction for Appl. No.: 11820420 Patent No.: 7816061

CofC mailroom date: 04/13/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

XX Approved

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Mark F. Huff/
SPE

1721
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM NC 27707

MAILED

FEB 08 2011

OFFICE OF PETITIONS

Patent No. 7,736,624 :
Issue Date: June 15, 2010 :
Application No. 11/820,481 :
Filed: June 19, 2007 :
Attorney Docket No. 1242/86/2 :

ON PETITION

This is a decision on the petition filed June 11, 2010, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

The applicant is requesting that the assignee name be deleted from the front page of the patent.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 2, 2011

In re Application of :

Lung-Ching Kao

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11820547

Filed : 20-Jun-2007

Attorney Docket No : VIIV041-P07586US01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 2, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2836 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11820547	
Filing Date	20-Jun-2007	
First Named Inventor	Lung-Ching Kao	
Art Unit	2836	
Examiner Name	DHARTI PATEL	
Attorney Docket Number	VIIV041-P07586US01	
Title	LOW FORWARD VOLTAGE DROP TRANSIENT VOLTAGE SUPPRESSOR AND METHOD OF FABRICATING	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Michael F. Snyder/
Name	Michael F. Snyder
Registration Number	58347



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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BURTON IP LAW GROUP/HITACHI GLOBAL STORAGE
TECHNOLOGIES NETHERLANDS BV
2029 CENTURY PARK EAST, SUITE 1400
LOS ANGELES, CA 90067

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Kazuo KUDO, et al.	:	
Application No. 11/820,554	:	DECISION GRANTING PETITION
Filed: June 19, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 16869Q-211000US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 8, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : **8015181**
Ser. No. : **11/820581**
Inventor(s) : **ZAGURI, EDUD**
Issued : **09/06/2011**
Title : **SYSTEM FOR PROVIDING ENHANCED SEARCH RESULTS ON THE INTERNET**
Docket No. : **CONDUIT 3**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

In regards to the alleged error(s) on the Title Page, Item 75 is printed in accordance with the Oath or Declaration filed on 6-19-07. A Petition under 1.182 is required to correct an applicant's error in the spelling of an inventor's name.

In view of the foregoing, your request, in this matter, is hereby denied.

The request should be resubmitted to the Office of Petitions with instructions to forward the granted petition to the Certificates of Corrections Branch.

The request should be directed to:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, no additional fee is required.

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

HENRY BRENDZEL
5 Gilbert Place
Millburn NJ 07041

OL



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**HENRY BRENDZEL
5 GILBERT PLACE
MILLBURN NJ 07041**

MAILED

MAR 21 2012

OFFICE OF PETITIONS

In re Patent No. 8,015,181
Issued: September 6, 2011
Application No. 11/820,581

Filed: June 19, 2007

Attorney Docket No. CONDUIT 3

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, November 29, 2011, to change the name of inventor "Edud Zaguri" to -- Ehud Zaguri --.

The petition is **DISMISSED**.

The petition under 37 CFR 1.182 to change an inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner has failed to comply with items (2) and/or (3) above, which requires the inventor to submit a statement or a copy of the court order as set forth under MPEP section 605.04(c).

In view of the above, the petition to change the inventor's name under 37 CFR 1.182 cannot be granted at this time.

Additionally, petitioner's deposit account has been charged the \$400.00 required petition fee as authorized on November 29, 2011.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at **(571) 272-7751**.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DNW Nov-10

RAYMARIDO K. WHITTY, ESQ.
P.O. BOX 93981
ATLANTA GA 30377

MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of
Jeriah Darrel Cohen, Jr.
Application No.: 11/820,616
Filing Date: June 20, 2007
Attorney Docket No. 1001

:
:
: ON PETITION
:
:

This is a decision on the petition under 37 CFR 1.137(a), filed on July 28, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned for failure to timely file a proper response to the final Office action mailed on September 4, 2009, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed on May 11, 2010.

Petitioner asserts that the Advisory Action mailed January 7, 2010, was never received

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee;

- (2) the petition fee as set forth in § 1.17(l);
- (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
- (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

As to item (3), the Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Director to have been "avoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.¹

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

¹ In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicate that the Office action was not received;
3. a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable, and
4. a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state.

Petitioner has failed to meet (2), (3) and (4) above.

In the instant case, petitioner has failed to provide adequate evidence that the delay was unavoidable.

The rules of practice are clear that prosecution of an application to save it from abandonment must include such complete and proper action as the condition of the case may require. The admission of an amendment not responsive to the last Office action, or refusal to admit the same, shall not operate to save the application from abandonment. "[T]he admission of, or refusal to admit, any amendment after final rejection, and any proceedings relative thereto, shall not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135." See 37 CFR 1.116(a).

Further, the abandonment of an application subject to a final Office action is not "unavoidable" within the meaning of 35 U.S.C. 133 and 37 CFR 1.137(a) in the situation in which the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. At 53162, 1203 Off. Gaz. Pat. Office at 89 (response to comment 66).

Petitioner is reminded that an Advisory Action does not start a new period for response. The application became abandoned because petitioner did not submit a proper reply to the final Office action mailed September 4, 2009.

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the petition fee set forth in 37 CFR 1.17(m).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web
 www.uspto.gov/ebs/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAYNARIDO K. WHITTY, ESQ.
P.O. BOX 93981
ATLANTA GA 30377

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of
Jeriah Darrel Cohen, Jr.
Application No. 11/820,616
Filed: June 20, 2007
Attorney Docket No. 1001

:
:
:
:
:

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action mailed September 4, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sprinkle IP Law Group/Zimmer
1301 W. 25th Street
Suite 408
Austin, TX 78705

MAILED

APR 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Stephane Douget, et al.	:	
Application No. 11/820,702	:	DECISION ON PETITION
Filed: June 20, 2007	:	TO WITHDRAW
Attorney Docket No. 1292.1485101	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2012.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sprinkle IP Law Group/Zimmer has been revoked by the assignee of the patent application on March 1, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Seager, Tufte & Wickhem, LLC**
1221 Nicollet Avenue
Suite 800
Minneapolis, MN 55403-2420

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

[RoChaun Johnson]

For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0470 or (703) 756-1814

EDWIN H. KEUSEY
KEUSEY & ASSOCIATE
420 JERICHO TURNPIKE SUITE 324
JERICHO NEW YORK 11753

RMJ



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

JAN 20 2011

OFFICE OF PETITIONS

KEUSEY & ASSOCIATES, P.C.
420 JERICHO TPKE.
SUITE 324
JERICHO, NY 11753

In re Patent No. 7,759,433
Issue Date: July 20, 2010
Application No. 11/820,751
Filed: June 20, 2007
Attorney Docket No.: 139-21

:
:
:
:
:

ON PETITION

This is a decision on the communication, filed October 20, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

It is noted that the processing fee has been submitted; however the \$100 fee required by 3.81(b) was not included with this request. Accordingly, the \$100 fee for the Certificate of Correction is being charged to counsel's deposit account as authorized.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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Keusey & Associates, P.C.
420 Jericho Tpke.
Suite 324
Jericho, NY 11753

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Patent No. 7,820,082 :
Issue Date: October 26, 2010 :
Application No. 11/820,752 : **DECISION ON PETITION**
Filed: June 20, 2007 :
Patentee(s): Ronald Berzon, et. al. :

This is a decision on the request under 37 CFR 3.81(b) filed on March 9, 2011, to correct the name of the assignee on the front page of the above patent by way of a certificate of correction.

The Office acknowledges receipt of \$100 for the Certificate of Correction fee and a \$130 processing fee for treatment of the instant request under 37 CFR 3.81. However, the request fails to contain the statement required by 37 CFR 3.81(b).

37 CFR 3.81(b) states:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, **must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17 (i) of this chapter.

Additionally, the present request fails to contain a proper S-signature of Edwin H. Keusey. In this regard, 37 CFR 1.4 (d)(2)(ii) states:

A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

For reasons discussed above, the request is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

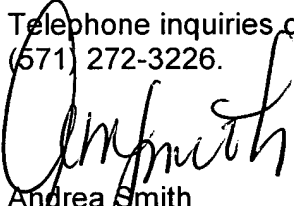
By mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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Keusey & Associates, P.C.
420 Jericho Tpke.
Suite 324
Jericho, NY 11753

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Patent No. 7,820,082	:	
Issue Date: October 26, 2010	:	
Application No. 11/820,752	:	ON PETITION
Filed: June 20, 2007	:	
Patentee(s): Ronald Berzon, et. al.	:	

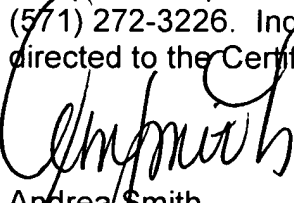
This is a decision on the renewed petition under 37 CFR 3.81(b) filed April 22, 2011, which is being treated as request under 37 CFR 3.81(b), to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

In response to the decision mailed April 11, 2011, petitioner submits the present renewed request on April 22, 2011.

Since the present request complies with the requirements of 37 CFR 3.81(b), the request is **GRANTED**.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.


Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE

2/17/2011

TO SPE OF

ART UNIT

2436Jared Fureman

SUBJECT

Request for Certificate of Correction for Appl. No.:

11/820843

Patent No.:

7851939

CofC mailroom date:

1/11/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

H. R. M.
Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**Specify below which changes **do not** apply.☐ **Denied**

State the reasons for denial below.

Comments: _____

/Jared Fureman/2836**SPE****Art Unit**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/820,881	06/20/2007	Gyung Ho Hwang	5004-1-057	5270
33942	7590	02/13/2012		
Cha & Reiter, LLC 17 Arcadian Avenue Suite 208 Paramus, NJ 07652			EXAMINER CRIBBS, MALCOLM	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 02/13/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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February 10, 2012

Cha & Reiter, LLC
17 Arcadian Avenue
Suite 208
Paramus NJ 07652

In re Application of :
Gyung Ho Hwang, et al : **DECISION ON PETITION**
Application No. 11820881 :
Filed: 06/20/2007 :
Attorney Docket No. 5004-1-057 :

This is a decision on the Petition to Accept Photographs under 37 C.F.R. 1.84 (b) (1), received in the United States Patent and Trademark Office (USPTO) September 10, 2007.

A petition is not required to file black and white photographs under 1.84 (b) (1). As applicant did file photographs in color, this petition is being treated as a Petition to Accept Color Photographs under 37 C.F.R. 1.84 (a) (2).

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☒ 3 ☐

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management

Green, Angela

From: Ometz, David
Sent: Wednesday, September 15, 2010 2:40 PM
To: Green, Angela
Subject: C of C for 11/820897

Attachments: 20100915140624831.pdf



2010091514
4831.pdf (55

Completed. Will need scanned in.

Thanks.

Dave Ometz
SPE, AU 2622

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08-03-10TO SPE OF : ART UNIT 2622SUBJECT : Request for Certificate of Correction for Appl. No.: 11/820897 Patent No.: 7733386

Please respond to this request for a certificate of correction within 7 days.

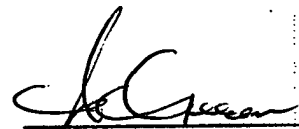
FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580
Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

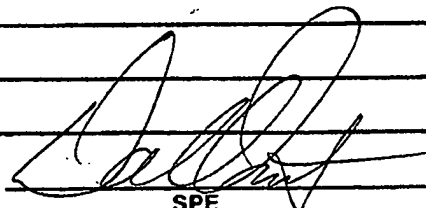
- ☒ Approved
- ☐ Approved in Part
- ☐ Denied

All changes apply.

Specify below which changes do not apply.

State the reasons for denial below.

Comments: _____

_____

SPE

Art Unit

2622



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EDWARDS ANGELL
PALMER & DODGE LLP
111 HUNTINGTON AVENUE
BOSTON MA 02199

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of
Griffiths, et al
Application No. 11/820,903
Filed: 21 June, 2007
Attorney Docket No.
66231DIV7(218396)1083G

:
:
:
:
:

DECISION

This is a decision on the petition filed on 10 August, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

Petitioner failed to reply timely and properly to the final Office action mailed on 19 January, 2011, with reply due absent extension of time on or before 19 April, 2011.

On filed 21 March, 2011, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply¹ if it did not *prima facie* place the application in condition for allowance, and on 13 April, 2011, the Examiner mailed an Advisory Action.

¹ A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

Application No. 11/820,903

The application went abandoned by operation of law after midnight 19 April, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 10 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of an Appeal Brief and fee, and made the statement of unintentional delay.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).³ The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.⁴))

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

⁴ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 11/820,903

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

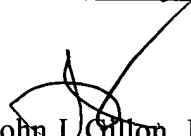
Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1633 in due course to await **the filing by Petitioner of the Appeal Brief and fee due two months from the mail date of this decision**.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Application No. 11/820,903

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/820,904	06/21/2007	Debashis Ghosh	DP-315819	5830
22851 7590 08/30/2010 DELPHI TECHNOLOGIES, INC M/C 480-410-202 PO BOX 5052 TROY, MI 48007			EXAMINER MAYES, MELVIN C	
			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			08/30/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG 30 2010

Mailed:

In re application of	:	wk
Ghosh	:	DECISION ON
Serial No. 11/820,904	:	PETITION
Filed: June 21, 2007	:	
For: DESIGN FOR REDUCING THERMAL	:	
SPREADS WITHIN A BATTERY MODULE	:	

This is a decision on the PETITION UNDER 37 CFR 1.181 FOR ENTRY OF THE AFTER FINAL AMENDMENT filed June 16, 2010.

On March 26, 2010, a final office action was mailed to Applicants, rejecting claims 1 and 3-6, 8-22. Claims 1 and 22 are independent claims. Claims 2 and 7 are canceled. Claims 3-21 depend from the next higher claim number (i.e claim 4 depends from claim 3, claim 5 depends from claim 4 etc....). Applicants proposed after final amendment on May 20, 2010, amends claim 1 to include the limitations from claims 5, 7, 8, 12, 20 and 22.

The Examiner refused entry of the amendment because the proposed amendments raised new issues that would require further consideration and/or search. The Examiner determined that the newly added limitations requiring that battery packs extend parallel to each other along an axis defining an air path was not previously considered.

DECISION

The newly added limitation requiring that battery packs extend parallel to each other along an axis defining an air path was considered in claim 22. Amendments to claim 1 include limitations from independent claim 22 and dependent claims 5, 7, 8, 12 and 20 that were previously searched and examined.

Accordingly, the petition for entry of the after final amendment is **GRANTED.**

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

Harold W. Milton, Jr.
DELPHI TECHNOLOGIES, INC
M/C 480-410-202
PO BOX 5052
TROY MI 48007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DWW Jan-11

LEONARD TACHNER, A PROFESSIONAL LAW
CORPORATION
17961 SKY PARK CIRCLE, SUITE 38-E
IRVINE CA 92614

MAILED

JAN 27 2011

OFFICE OF PETITIONS

In re Application of	:	
Dean R. Garraffa	:	
Application Number: 11/820983	:	ON PETITION
Filing Date: 06/20/2007	:	
Attorney Docket Number: ATOMIC-	:	
23	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on November 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on November 21, 2009, for failure to timely respond to the non-final Office action mailed on August 20, 2009, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on March 25, 2010.

Receipt of the amendment filed concurrently with the petition in response to the non-final Office action is acknowledged.

The application is being referred to Technology Center Art Unit 3679 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
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Daniel E. Ovanezian
Lowenstein Sandler PC
65 Livingston Avenue
Roseland NJ 07068

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Chee Boon Lim, et al.	:	
Application No. 11/820,995	:	ON PETITION
Filed: June 20, 2007	:	
Attorney Docket No. P148	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 24, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 26, 2010. The Notice of Abandonment was mailed April 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 2628 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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LAUSON & TARVER, LLP
880 APOLLO STREET
SUUTE 301
EL SEGUNDO, CA 90245

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Erez Zabari	:	
Application No. 11/821,057	:	DECISION ON PETITION
Filed: June 21, 2007	:	
Attorney Docket No. 22790-002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 5, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1616 for appropriate action by the Examiner in the normal course of business on the reply received August 19, 2010.


April M. Wise
Petitions Examiner
Office of Petitions



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3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Hao Luo, et al.	:	
Application No. 11/821,068	:	DECISION ON PETITION
Filed: June 20, 2007	:	
Attorney Docket No.: 200701232-1	:	

This is a decision in response to the petition under 37 CFR 1.182, filed, May 19, 2011, to correct the spelling of the name of joint inventor "Carl P. Tausig" name to – Carl P. Taussig --. .

The petition is **DISMISSED.**

It is noted that an updated Filing Receipt, containing the requested name changes, was mailed on September 23, 2008; however, the names were changed without authority. The petition was not accompanied by payment of the required \$400 petition fee, pursuant to 37 CFR 1.17(f).

In order to receive a corrected Official Filing Receipt, petitioner must submit, within TWO MONTHS of the date of decision, the \$400 petition fee. Failure to submit the petition fee will result in the cancellation of the changes on the Filing Receipt of May 20, 2011.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS
	Commissioner for Patents
	Post Office Box 1450
	Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/821,068	06/20/2007	2819	1220	200701232-1	20	3

CONFIRMATION NO. 5792

CORRECTED FILING RECEIPT



OC000000048211751

22879
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

Date Mailed: 06/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Hao Luo, San Jose, CA;
Ping Mei, Palo Alto, CA;
Carl P. Taussig, Redwood City, CA;

Power of Attorney: The patent practitioners associated with Customer Number 022879

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 07/16/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/821,068**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

THIN FILM TRANSISTOR LOGIC

Preliminary Class

326

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
Hao Luo, et al. :
Application No. 11/821,068 : **DECISION ON PETITION**
Filed: June 20, 2007 :
Attorney Docket No.: 200701232-1 :

This is a decision in response to the July 12, 2011 request for reconsideration of the communication entitled "Request to Correct Misspelling of Inventor Name" which was improperly treated as a petition under 37 CFR 1.182 by a decision mailed June 20, 2011.

The decision mailed June 20, 2011 is hereby **vacated**.

On reconsideration, it is conceded that the request complies with the guidelines set forth in MPEP 605.04(b). Accordingly, the request to correct the spelling of the name of joint inventor "Carl P. Tausig" to -- Carl P. Taussig -- is granted.

A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/821,068	06/20/2007	2819	1520	200701232-1	20	3

CONFIRMATION NO. 5792

CORRECTED FILING RECEIPT



OC000000049032502

22879
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

Date Mailed: 07/29/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Hao Luo, San Jose, CA;
Ping Mei, Palo Alto, CA;
Carl P. Taussig, Redwood City, CA;

Power of Attorney: The patent practitioners associated with Customer Number 022879

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 07/16/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/821,068**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

THIN FILM TRANSISTOR LOGIC

Preliminary Class

326

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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TIMOTHY F. MILLS
40 Russ Street
Heartford CT 06106

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SEP 08 2011
OFFICE OF PETITIONS

In re Application of :
Jerry A. Jaynes :
Application No. 11/821,132 :
Filed: June 22, 2007 :
Attorney Docket No. TCGC.100US :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed March 19, 2010, which set a shortened statutory period for reply of three (3) months. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 20, 2010. A Notice of Abandonment was mailed on May 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on August 23, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2628 for appropriate action by the Examiner in the normal course of business on the reply received August 23, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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BAINWOOD HUANG & ASSOCIATES LLC
2 CONNECTOR ROAD
WESTBOROUGH, MA 01581

Mail Date: 08/06/2010

Applicant	: James W. O'Toole JR.	: DECISION ON REQUEST FOR
Patent Number	: 7660901	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/821,181	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **12** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MCCARTER & ENGLISH, LLP NEWARK
FOUR GATEWAY CENTER
100 MULBERRY STREET
NEWARK NJ 07102

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
William Anderson et al :
Application No. 11/821,190 : DECISION GRANTING PETITION
Filed: June 22, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 29923-00015 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 21, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 10, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3767 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA, SUITE 300
GARDEN CITY, NY 11530

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Maria Cristina GERONI, et al.
Application No. 11/821,333
Filed: June 22, 2007
Attorney Docket No. **17762Z**

DECISION ON PETITION
UNDER 37 CFR 1.55(c)

This is a decision on the petition under 37 CFR 1.55(c), filed December 1, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Great Britain Application No. 0015444.3, filed June 23, 2000.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was

- unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.**

The petition fails to comply with item (5) above. In this regard, a review of the file record discloses that the above-identified nonprovisional application was filed June 22, 2007, which is not within 12 months of the filing date of the foreign application filed in Great Britain on June 23, 2000.

In view of the above, the request cannot be accepted at this time. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

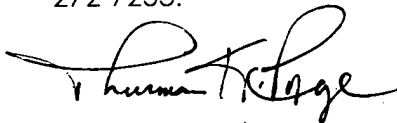
Further correspondence with respect to this matter should be addressed as follows:

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.



Thurman K. Page
Petitions Examiner
Office of Petitions



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400 GARDEN CITY PLAZA, SUITE 300
GARDEN CITY NY 11530

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MAR 30 2011

OFFICE OF PETITIONS

In re Application of :
GERONI et al. :
Application No. 11/821,333 :
Filed: June 22, 2007 :
Attorney Docket No. 17762Z :
: DECISION ON PETITIONS
: UNDER 37 CFR 1.78(a)(3)
: AND 37 CFR 1.55(c)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed October 21, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed nonprovisional and PCT applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of a prior-filed foreign application, as set forth in the concurrently filed amendment and declaration, respectively.

As to the benefit claim under 37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the requirements being met, the petition to accept an unintentionally delayed claim for priority under 35 U.S.C. §§ 120 and 365(c) is **GRANTED**.

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed as a continuation of US Patent Application 10/297,915 which is the US National Stage of International Application No. PCT/EP01/07059 filed on June 20, 2001, which is after November 29, 2000 and within 12 months of June 23, 2000 (the filing date of the foreign application to which benefit is now being claimed). On October 23, 2009, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1410.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay

All of the requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 119(a)-(d) to the prior-filed foreign application is **GRANTED**.

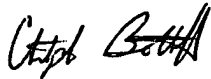
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) and 35 U.S.C. 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this

benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred Technology Center Art Unit 1614 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120, 365(c) and 35 U.S.C. § 119(a)-(d) to the prior-filed applications.



Christopher Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/821,333	06/22/2007	1614	1640	17762Z	16	4

CONFIRMATION NO. 5852

CORRECTED FILING RECEIPT

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA, SUITE 300
GARDEN CITY, NY 11530



OC000000046815087

Date Mailed: 03/29/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Maria Cristina Geroni, Milano, ITALY;
Paolo Cozzi, Milano, ITALY;
Italo Beria, Milano, ITALY;

Assignment For Published Patent Application

Nerviano Medical Sciences S.r.l., Milan, ITALY

Power of Attorney:

Leopold Presser--19827	William Behare--32111
William Roch--24972	Edward Grolz--33705
John Sensny--28757	Steven Fischman--34594
Paul Esatto--30749	Peter Bernstein--43497
Frank DiGiglio--31346	

Domestic Priority data as claimed by applicant

This application is a CON of 10/297,915 12/18/2002 ABN
which is a 371 of PCT/EP01/07059 06/20/2001

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

UNITED KINGDOM 0015444.3 06/23/2000

If Required, Foreign Filing License Granted: 07/18/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/821,333**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Combined therapy against tumors comprising substituted acryloyl distamycin derivatives and topoisomerase I and II inhibitors

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE

: 11/12/10

Paper No.:

TO SPE OF

: ART UNIT 1639

SUBJECT

: Request for Certificate of Correction for Appl. No.: 11/821375 Patent No.: 777002 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Approved in Full.

/Christopher M Gross/

/Joanne Hama/
Acting SPE 1636/1639



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**GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK CA 94025-1105**

**MAILED
SEP 29 2011
OFFICE OF PETITIONS**

In re Application of	:	
ABHYANKER	:	
Application No. 11/821,392	:	DECISION ON PETITION
Filed: June 22, 2007	:	TO WITHDRAW
Attorney Docket No. DMP 0026	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 16, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, the Office requires the practitioner(s) requesting withdrawal to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the response period, that practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40(c).

Petitioner has not complied with items (1) and (3) of the above-identified certifications.

Further, the request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. Any change of address to an attorney or firm must be accompanied by a proper power of attorney.

A review of the Office record does not indicate a power of attorney to the Customer Number indicated on the Request for Withdrawal as Attorney or Agent filed September 16, 2011. In this regard, absent a proper of attorney, the Request cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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WYATT GERBER & O'ROURKE, LLP
99 PARK AVENUE
NEW YORK NY 10016

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of :
Hesselmann, et al. :
Application No. 11/821,450 : ON PETITION
Filed: June 22, 2007 :
Attorney Docket No. MUHR-022 (US) :

This is in response to petition to revive under 37 CFR 1.137(b),
filed December 23, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to
file a proper response to the final Office action, mailed
October 20, 2010, which set a shortened statutory period for
reply of three months. Applicants filed an Amendment on
December 27, 2010. However, the Examiner indicated in an
Advisory Action mailed on January 13, 2011 that the Amendment
would not be entered because it failed to place the application
in condition for allowance. As such, the application became
abandoned on January 21, 2011. The Office mailed a courtesy
Notice of Abandonment on September 14, 2011.

With the instant petition, petitioner paid the petition fee, made
the proper statement of unintentional delay, and submitted the
required reply in the form of an RCE.

Petitioner has requested a refund of the petition fee on the basis that he alleges to have not received the Advisory Action. However, the petition fee is a statutory requirement for the filing, and not merely the grant, of the petition. In addition, it is the applicant's responsibility to take the necessary action in an application under a final Office action to provide a complete reply under 37 CFR 1.113. 37 CFR 1.116 and 1.135(b) are manifest that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal. Accordingly, petitioner's request must be dismissed.

The application is being forwarded to Group Art Unit 3725 for consideration of the RCE, filed December 23, 2011.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo'.

Cliff Congo
Petitions Attorney
Office of Petitions



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Robert F. Frijouf
Frijouf, Rust & Pyle, P.A.
201 East Davis Boulevard
Tampa FL 33606

MAILED
APR 06 2011
OFFICE OF PETITIONS

In re Application of :
Robert J. Schindler. :
Application No. 11/821,650 : **DECISION ON PETITION**
Filed: June 25, 2007 :
Attorney Docket No. 2006-0114 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before December 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 16, 2010. Accordingly, the date of abandonment of this application is December 17, 2010. A Notice of Abandonment was mailed on December 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED
JAN 28 2011
OFFICE OF PETITIONS

In re Application of :
Suzuki et al. :
Application No. 11/821,757 : **DECISION ON PETITION**
Filed: June 25, 2007 :
Attorney Docket No. 0553-0592 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

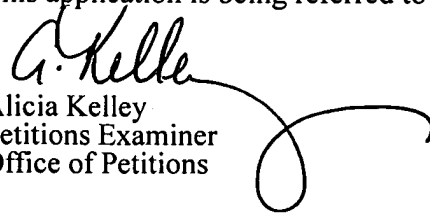
This application became abandoned for failure to timely pay the issue and publication fees on or before December 15, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 15, 2010. Accordingly, the application became abandoned on December 16, 2010.

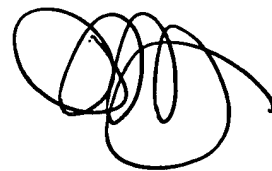
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay. Accordingly, the failure to timely submit the issue and publication fees as required by the Notice of Allowance and Fee(s) Due is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.


Alicia Kelley
Petitions Examiner
Office of Petitions



SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/09/11

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/821,776 Patent No.: 7872575

CofC mailroom date: 2/7/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

RoChaun Johnson
Certificates of Correction Branch
703-756-1580

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Substitute Drawing Fig. 12 has the bottom portion cut off/missing, and also it should have been Fig. 12A and Fig. 12B in order to be consistent with the specification and the original disclosure. In summary, Substitute Drawing Fig. 11 has been approved, while Substitute Drawing Fig. 12 has been denied.

/Benjamin C. Lee/ _____

2612

SPE

Art Unit

11/821776



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
Alexandria, Va 22313- 1450
www.uspto.gov

DATE: June 14, 2011
Patent No: 7872575
Applicant: Tabe
Issued: 01/18/11

Request for consideration of Certificate of Correction:

Consideration has been given for your request for the certificate of correction for the above-identified patent under the provisions of Rules 1.322/1.323.

Respecting the alleged errors in drawing sheet 12 cannot be corrected because the bottom portion is cut off/missing, and also it should have been figures 12a and figure 12b in order to be consistent with the specification and the original disclosure Therefore, no correction(s) are in order here under United States Codes (U.S.C.) 254 Code of Federal Regulation (C.F.R.) 1.322/1.323.

In view of the foregoing, in this matter your request is hereby denied.

RoChaun Johnson for
Mary Diggs, Supervisor
Decisions and Certificates of Correction
(571) 272-0470

JOSEPH TABE
11700 OLD COLUMBIA PIKE, SUITE 2010
SILVER SPRING MD 20904



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DONALD N. MACINTOSH, ESQ.
LAW OFFICE OF DONALD N. MACINTOSH
SUITE 200
275 BATTERY STREET
SAN FRANCISCO, CA 94111

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of
John Silvester et al
Application No. 11/821,813
Filed: June 26, 2007
Attorney Docket No. A-77504/DNM

:
:
:
:
:

ON PETITION

This is a decision on the petition filed October 6, 2011 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed June 14, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 15, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Albert A. Petruzzi :
Application No. 11/821,835 : **DECISION ON PETITION**
Filed: June 25, 2007 :
Attorney Docket No. 8126P003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, September 2, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 3, 2009. A Notice of Abandonment was mailed on May 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$405, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3691 for appropriate action by the Examiner in the normal course of business on the RCE received July 12, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
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Schwegman, Lundberg, Woessner
& Kluth, P.A.
P.O. Box 2938
Minneapolis MN 55402

MAILED
JAN 10 2011
OFFICE OF PETITIONS

Patent No. 7,835,990 :
Issue Date: November 16, 2010 :
Application No. 11/821,840 :
Filed: June 26, 2007 :
Attorney Docket No. 1438.022US2 :

ON PETITION

This is a decision on the petition filed December 3, 2010, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

The applicant is requesting that the assignee name be deleted from the front page of the patent.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 01 2011

OFFICE OF PETITIONS

COLLARD & ROE, PC
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

In re Patent No. 7,886,994	:	
Issue Date: February 15, 2007	:	
Application No. 11/821,887	:	NOTICE
Filed: August June 26, 2007	:	
Attorney Docket No. MARTIN ET AL-6	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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Charles G. Call
361 Wild Coffee Ln
Marco Island FL 34145-1849

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MAY 19 2011

OFFICE OF PETITIONS

In re Application of :
James D. Logan :
Application No. 11/821,899 : **DECISION ON PETITION**
Filed: June 25, 2007 :
Attorney Docket No. H-12 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 17, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 18, 2010. A Notice of Abandonment was mailed on April 4, 2011.

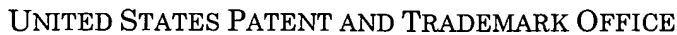
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2614 for appropriate action by the Examiner in the normal course of business on the reply received April 11, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

CHARLES R. WILSON
4729 CORNELL RD
CINCINNATI OH 45241

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Devdatt S. NAGVEKAR
Application No. 11/821,949
Filed: June 26, 2007
Atty. Docket No.: 06-09-PP.US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the non-final Office action mailed June 24, 2009, which set a shortened statutory period for reply of three (3) months. No reply was received, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application was abandoned September 25, 2009. A Notice of Abandonment was mailed January 19, 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action mailed June 2, 2009, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as a result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 1796 for further action on the filed Response.

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight
Director
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/822,018	06/29/2007	Martin Orrell	LSN-36-2078	1919
7590 11/18/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER WANG, LIANG CHE A				
ART UNIT PAPER NUMBER 2447				
MAIL DATE DELIVERY MODE 11/18/2010 PAPER				

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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DW Sep-10

SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS MO 63102

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SEP 20 2010

OFFICE OF PETITIONS

In re Application of :
Chung-Liang Hsu : DECISION ON PETITION
Application Number: 11/822148 :
Filing Date: 07/02/2007 :
Attorney Docket Number: SNGD :
5861 :

This is a decision on the petition filed on May 28, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on September 25, 2007, for failure to timely submit a timely and proper response to the Notice to File Missing Parts of Nonprovisional Application mailed on July 24, 2007, which set a two (2)-month shortened statutory period for reply.

Receipt of the application filing fees and surcharge paid on February 5, 2010, is acknowledged.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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Jerome J. Norris
Suite 305
1901 Pennsylvania Avenue, N.W.
Washington, DC 20006

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MAY 05 2011

OFFICE OF PETITIONS

In re Application of
Hai-Ren Zhang, et. al.
Application No. 11/822,177
Filed: July 3, 2007
Attorney Docket No. CHEMA3

ON PETITION

This is a decision on the paper titled "Request" filed on March 17, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), to withdraw the holding of abandonment in the above application. This is also a decision on the petition under 37 CFR 1.137(b), filed March 31, 2011, to revive the above-identified application.

The application was held abandoned for failure to file a reply to the Restriction/Election Requirement mailed March 4, 2010. A Notice of Abandonment was mailed on September 16, 2010.

In the request filed March 17, 2011, petitioner asserts "I do not believe this small client should be put to the burden of filing a petition to revive the application, given that a timely reply (with a one month extension) was filed in the USPTO on May 4, 2010. A copy of the date-stamped card confirming receipt of our reply to the Restriction Action is attached herewith. Therefore, the Notice of Abandonment was improvidently issued."

To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 4, 2010 of, *inter alia*, one month extension fee - \$65 (check) and a Restriction Requirement. A copy of the previously submitted reply accompanies the petition.

The Office concurs with petitioner, in that, a response was timely submitted to the Office on May 4, 2010, but the documents contained the wrong application number; and as a result, the response was matched to the wrong application.

Under current Office procedure, if a paper contains the incorrect application number, but contains sufficient information to identify the correct application and was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon (i.e., inventor's name, docket number, confirmation number and title of invention) was sufficient to associate the papers with the above-identified application. Therefore, the petition under 37 CFR 1.181 is **granted**.

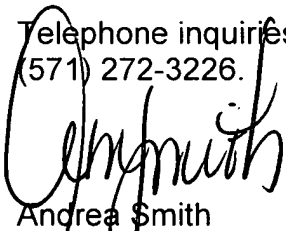
In view of the above, the petition under 37 CFR 1.137(b) is **dismissed as moot** and the petition fee of \$810 will be refunded to petitioner by Treasury Check in due course.

Petitioner is cautioned to ensure that the correct identifying data appears on all correspondence submitted to the USPTO to avoid situations of the nature which occurred in the present application.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on May 4, 2010.

This application is being referred to Technology Center Art Unit 1624 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/822,256	07/03/2007	Arthur A. Schaffer	41211	3652

7590 01/31/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER

PAGE, BRENT T

ART UNIT	PAPER NUMBER
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1638

MAIL DATE	DELIVERY MODE
-----------	---------------

01/31/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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January 28, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:	
Schaffer, Arthur A, et al	:	DECISION ON PETITION
Application No. 11/822,256	:	
Filed: 07/03/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 41211	:	
	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 29, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: 10-095

Application
Number: 11/822,448

Filing Date
(or 371(b) or (f) Date): July 6, 2007

Patent Number:
7,668,116

Issue Date:
February 23, 2010

First Named
Inventor: Ijsbrand Wijnands

Title: Root Node Shutdown Messaging for Multipoint-to-Multipoint Transport Tree

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /Thomas J. Frame/

Date August 4, 2010

Name
(Print/Typed) Thomas J. Frame

Registration Number 47,232

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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LEON R TURKEVICH
2000 M STREET NW
7TH FLOOR
WASHINGTON, DC 200363307

Mail Date: 08/12/2010

Applicant	: Ijsbrand Wijnands	: DECISION ON REQUEST FOR
Patent Number	: 7668116	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/822,448	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **367** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FOLEY AND LARDNER LLP
3000 K STREET NW, SUITE 500
WASHINGTON, DC 20007

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SEP 13 2010

OFFICE OF PETITIONS

In re Application of
Tomotaka, ANDOU, et al.
Application No. 11/822,494
Filed: July 6, 2007
Attorney Docket No. **040302-0692**

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 10, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 26, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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August 31, 2011

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Re Application of
IMAI, FRANCISCO, ET AL
Application: **11/822551**
Filed: **07/06/2007**
Attorney Docket No: **1907.1173**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 7, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/06/2010

Applicant	: Stefan Simon Gustaaf Moriau	: DECISION ON REQUEST FOR
Patent Number	: 7654054	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/822,582	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Ko Fe Hsiao
Application No. 11/822,619
Filed: May 3, 2007
Attorney Docket No. 4989-0144PUS1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Gerald M. Murphy on behalf of all attorneys of record who are associated with customer No. 02292. All attorneys/agents associated with the Customer Number 02292 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the correspondence address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: KO FE HSIAO
NO 1-1, LANE 464 JUNGPIING ROAD,
ZHONGHE CITY 235 TAIPEI COUNTY
TAIWAN, R. O. C.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/822,619	07/09/2007	Ko Fe Hsiao	4989-0153PUS1

CONFIRMATION NO. 6404

POWER OF ATTORNEY NOTICE



Date Mailed: 03/22/2011

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/11/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 27, 2011

TO SPE OF : ART UNIT 3633

SUBJECT : Request for Certificate of Correction for Appl. No 11/822696: 7866115 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Should the change(s)
Be made?

RoChau Johnson

Certificates of Correction Branch

571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Steele et al. : DECISION ON
Application No. 11/822,831 : PETITION
Filed: July 10, 2007 :
Atty Docket No.H0222.0008/P008:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed November 10, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, July 22, 2010, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. No reply having been received, the above-identified application became abandoned on October 23, 2010. Applicants also failed to submit corrected drawings within three months of the mailing date of the Notice of Allowability, also mailed July 22, 2010. A courtesy Notice of Abandonment was mailed on November 5, 2010.

The petition included the required reply in the form of payment of the Issue Fee and Publication Fee and corrected drawings; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

The Office of Patent Publication has been advised of this decision.

Application No. 11/822,831

Page 2

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Patent No. 7,927,590 :
Issued: April 19, 2011 : DECISION ON REQUEST
Application No. 11/822,859 : FOR RECONSIDERATION OF
Filed: July 10, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 02938-19817US01:

This is a decision on the petition under 37 CFR 1.705(d) filed June 17, 2011. Patentees request that the patent term adjustment for the above-identified patent be corrected to 405 days.

The request for reconsideration of the patent term adjustment under 37 CFR 1.705(d) is **DISMISSED**.

Patentees are given **TWO (2) MONTHS** from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

In the present petition, patentees dispute the period of reduction of 64 days pursuant to 37 CFR 1.704(c)(10) for the submission of drawings after the mailing of the notice of allowance. Specifically, petitioners assert:

First, therefore, the entire period of alleged delay is unjustified, as the applicant was simply responding to an Office action that was itself mailed after allowance, stating a new requirement to amend the drawings. The applicant responded one month after the Office action was mailed. The patent statute allows the applicant three months to respond to an Office action without being found to unreasonably delay prosecution.

Second, the applicant cannot be deemed to have "unreasonably delayed prosecution" before first receiving notice of a deficiency in the drawings on January 24, 2010. This Office action did not repeat a previous requirement to amend the drawings - it stated new grounds.

Finally, the only unreasonable delay here is by the USPTO in failing to advise the applicant in the Notice of Allowability (or earlier) that the drawings were deficient. The deficient drawings should have been identified in the first Office action, so they could be corrected before allowance.

Petition filed 06/17/11, p. 3.

The Office has reviewed the entry of the period of reduction of 64 days of applicant delay and finds it correct. 37 CFR 1.704(c)(10) specifically provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

In this instance, it is undisputed that drawings were filed after the mailing of the Notice of Allowance. Accordingly, pursuant to § 1.704(c)(10), the patent term adjustment was properly reduced by the lesser period of 64 days.

By Notice entitled *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance*, 1247 OG 111 (June 26, 2001), the Director set forth examples of papers deemed not to cause

substantial interference and delay in the patent issue process. A Comment on the Statement of Reasons for Allowance was so identified; however, a submission of formal drawings was not. Other than those papers identified in this Notice, all papers filed after allowance of an application substantially delay the Office's ability to process an application for a patent because the Office does not wait until payment of the issue fee to begin the patent issue process. As a result, 37 CFR 1.704(c)(10) does not distinguish between papers that are and are not required by the Office. Filing of any drawings after allowance will be treated as a failure to engage in reasonable efforts to conclude prosecution.

In view thereof, it is concluded that the patent properly issued with a revised Patent Term Adjustment of 341 days.

Receipt is acknowledged of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina P. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert D. Walsh	:	
Application No. 11/823,014	:	DECISION ON PETITION
Filed: June 26, 2007	:	
Attorney Docket No. WALSH	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 3, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 4, 2009. A Notice of Abandonment was mailed on December 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3618 for appropriate action by the Examiner in the normal course of business on the reply received April 11, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : April 14, 2011

Paper No.: _____

TO SPE OF : ART UNIT 3728 SPE Mickey Yu.SUBJECT : Request for Certificate of Correction for Appl. No.: 11/823,052 Patent No.: 7,784,611 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should the Related U.S. Application Item (63) be added as requested by applicant?

See COCIN dated 10-6-2010

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Examiner approved. JA

MY SPE AU3728



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MARTIN J. JAQUEZ, ESQ.
JAQUEZ & ASSOCIATES
SUITE 100D
6265 GREENWICH DRIVE
SAN DIEGO CA 92122

MAILED

AUG 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Lewak et al.	:	DECISION ON PETITION
Application No. 11/823,067	:	TO WITHDRAW
Filed: June 25, 2007	:	FROM RECORD
Attorney Docket No. SPEED-001-CON-2	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 16, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Martin J. Jaquez on behalf of all attorneys of record associated with Customer Number 27179. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

Additionally, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

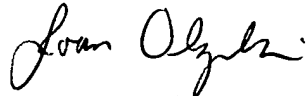
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address

on the Request to Withdraw. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, applicant has filed a Notice of Appeal on June 24, 2010.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Joan Olszewski". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Jerzy Lewak

Application No. 11823067

Filed: June 25, 2007

Attorney Docket No. 19270.0003.CNUS01

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 02-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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**SAN FRANCISCO OFFICE OF
NOVAK DRUCE + QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002**

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of	:	
Lewak et al.	:	
Application No. 11/823,067	:	DECISION ON PETITION
Filed: June 25, 2007	:	TO WITHDRAW FROM RECORD
Attorney Docket No. 19270.0003.CNUS01	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Brian K. McKnight, on behalf of all attorneys/agents of record who are associated with Customer Number 65761.

All attorneys/agents associated with the Customer Number 65761 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed September 20, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: SpeedTrack, Inc.
18340 Yorba Linda Blvd. Suite 107-194
Yorba Linda, CA 92886



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MAILED
SEP 27 2010
OFFICE OF PETITIONS

SOUTHWEST RESEARCH INSTITUTE
P.O. DRAWER 28510
SAN ANTONIO TX 78228-0510

In re Application of :
Hegeon Kwun, et al. :
Application No. 11/823,113 : **DECISION ON PETITION**
Filed: June 25, 2007 :
Attorney Docket No. SwRI 3208 US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 3, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 3, 2010. Accordingly, the date of abandonment of this application is May 4, 2010. The Notice of Abandonment was mailed May 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Louis Rodriguez, Deputy General Counsel**
Southwest Research Institute
6220 Culebra Road
San Antonio, TX 78238-5166



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MAILED

JUN 08 2011

OFFICE OF PETITIONS

HENRY BRENDZEL
5 Gilbert Place
Millburn NJ 07041

In re Patent No. 7,814,424	:	
Issue Date: October 12, 2010	:	
Application No. 11/823,144	:	DECISION ON PETITION
Filed: June 26, 2007	:	
Attorney Docket No. CONDUIT 4	:	

This is a decision on the Request For Issuance Of Certificate Of Correction Under 37 CFR 3.81(b), filed January 21, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to accept the omission of assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to add the omission of assignee's name on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner urges that a Certificate of Correction (PTO/SB/44) be issued to add the omitted assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

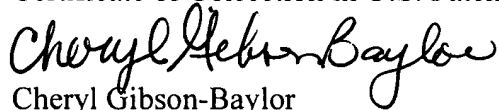
After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), has been submitted. However, the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), is required. Therefore, since the petition was accompanied deposit account authorization, the fee has been charged. The Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) that was submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,814,424.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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DMM Nov-10

WILLIAM HAROLD BECK
P.O. BOX 368
FAIRFIELD IL 62837

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of :
William Harold Beck :
Application Number: 11/823151 : ON PETITION
Filing Date: 06/26/2007 :
For: ACTIVATION DEVICE :
:

This is a decision in reference to the letter filed on August 23, 2010, which is treated as a renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is again dismissed.

This application became abandoned on March 30, 2010, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on December 29, 2010, which set a three (3)-month statutory period for reply. A petition under 37 CFR 1.181 was filed on April 5, 2010, and was dismissed on June 22, 2010. Notice of Abandonment was mailed on June 29, 2010. The subject renewed petition was filed on August 25, 2010.

Petitioner again asserts that receipt of the Notice was delayed due to tampering with applicant's mail box. The letter is accompanied by a declaration of petitioner's wife, LaDonna K. Beck, in which she states that the Notice of Allowance mailed on December 29, 2009 was not received until March 29, 2010.

Mrs. Beck further states:

I maintain that "receipt of the Notice" was delayed due to someone tampering with our personal mail in P.O. Box 368 at Fairfield, Illinois. I have my suspicions, simply because in the past, mail from our box was opened by this known individual and left at my back door, showing signs of being tampered with. Some

monthly bills, including our utility bill were never received.

A review of the record indicates no irregularity in the mailing of the Notice of Allowance and Fee(s) Due mailed on December 29, 2009, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance mailed on December 29, 2009 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance mailed on December 29, 2009, was not in fact timely received.

As stated previously, petitioner must provide corroborating evidence from the USPS supporting petitioner's allegation of mail tampering.

Petitioner must provide an official letter from Postal Inspector O'Hanlon, or another employee at the USPS having personal knowledge of the facts of this case, stating whether or not receipt of the Notice mailed on December 29, 2009, is believed by the USPS to have been delayed due to mail tampering and/or mishandling by the USPS.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. **This time period is not extendable.**¹

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via the EFS-Web system of the USPTO.

¹ 37 CFR 1.181(f).

Application No. 11/823151

3

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

A handwritten signature in black ink, appearing to read "D Wood", written in a cursive style.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Mar-11

WILLIAM HAROLD BECK
P.O. BOX 368
FAIRFIELD IL 62837

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
William Harold Beck :
Application Number: 11/823,151 :
Filing Date: 06/26/2007 :
For: ACTIVATION DEVICE :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b) filed on January 20, 2011, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned on March 30, 2010, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on December 29, 2010, which set a three (3)-month statutory period for reply. A petition under 37 CFR 1.181 was filed on April 5, 2010, and was dismissed on June 22, 2010. Notice of Abandonment was mailed on June 29, 2010. The renewed petition filed on August 23, 2010, was dismissed on November 9, 2010.

Receipt of the issue fee payment on April 5, 2010 is acknowledged.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/823,247	06/27/2007	Kevin Smith	SYN/Endoguide4(8961)	9155
27316 7590 03/20/2012 MAYBACK & HOFFMAN, P.A. 5722 S. FLAMINGO ROAD #232 FORT LAUDERDALE, FL 33330			EXAMINER NIA, ALIREZA	
			ART UNIT 3779	PAPER NUMBER
			MAIL DATE 03/20/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

In re Application of:

SMITH, KEVIN et al

Serial No.: 11/823,247

Filed: June 27, 2007

Docket: SYN/Endoguide4(8961)

Title: TORQUE-TRANSMITTING,
VARIABLELY-FLEXIBLE, LOCKING
INSERTION DEVICE AND METHOD
FOR OPERATING THE INSERTION
DEVICE

:
:
:
:
:
: DECISION ON PETITION
: under 37 CFR 1.181

This is a decision on the petition filed on January 9, 2011 filed under 37 CFR 1.181 seeking to have the rejection of claims in the Examiner's Answer mailed on November 9, 2011 be designated as a new ground of rejection.

The petition is being considered pursuant to 37 CFR 1.181 and no fee is required.

The petition is DISMISSED.

The following relevant facts include:

1. In response to the non-final Office action of November 10, 2010, the applicant on February 8, 2011 filed a Rule 111 amendment. In the amendment, the applicant has substantively amended claims 1-2 and 11 and cancelled claim 23.
2. On March 16, 2011, the final rejection was issued. In the final rejection, the examiner stated that claims 1-4 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speier 6,478,731 in view of Pilvisto US 2002/0177750. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Speier 6,478,731 in view of Pilvisto US 2002/0177750 further in view of Vargas US 2006/0025652. Claims 9-13, 17-22, and 24

are rejected under 35 U.S.C. 103(a) as being unpatentable over Speier 6,478,731 in view of Pilvisto US 2002/0177750 in view of Vargas US 2006/0025652 further in view of Vargas US 2008/0091170. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Speier 6,478,731 in view of Pilvisto US 2002/0177750 in view of Vargas US 2006/0025652 in view of Vargas US 2008/0091170 further in view of Patel 4,815,450. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speier 6,478,731 in view of Pilvisto US 2002/0177750 in view of Vargas US 2006/0025652 in view of Vargas US 2008/0091170 in view of Patel 4,815,450 further in view of Stouder 5,211,633. In accordance with M.P.E.P. § 706.07(a), the examiner made the Office action final because the applicant's amendment necessitated the new ground(s) of rejection.

3. The applicant filed a Rule 116 Amendment on May 16, 2011. The applicant provided no claim amendments except arguments to traverse the examiner's rejections of the claims.

4. On May 20, 2011, the examiner sent an Advisory Action. The examiner stated that the Rule 116 Amendment has been considered but does not place the application in condition for allowance.

5. On September 21, 2011, an Appeal Brief was filed.

6. In response, an Examiner's Answer was sent on November 9, 2011. In the Examiner's Answer, all final rejections of claims were unchanged and maintained. In the Response to Arguments, the examiner also answered all arguments presented in the Appeal Brief.

7. On January 9, 2012, the applicant filed the current petition arguing that the examiner has improperly introduced new grounds of rejection in the Examiner's Answer of November 9, 2011. The applicant, in essence, is requesting the rejection of claims of the Examiner's Answer to be designated as new ground of rejection because the examiner has introduced new arguments in his Examiner Answer. In the petition, petitioner argues that, in paragraph 28, page 14 of the Examiner's Answer, the examiner for the first time contends in the rebuttal arguments that the term "compression" was not expressly defined in the written specification. This issue was not brought up in the final rejection. Therefore, petitioner believes this constitutes new grounds of rejection which is improper.

8. On January 9, 2012, the applicant filed a Reply Brief. In the Reply Brief, the appellant fully addressed the alleged new arguments/rejections of claims. In particular, the appellant believes, *inter alia*, that the claims as presented, properly interpreted, serve to adequately define the invention and distinguish from the prior art.

Discussion and Analysis

A comparison of Paragraphs 8-31 of the final Office action of March 16, 2011 and Section 9 of the Examiner's Answer November 9, 2011 shows that there is no new ground of rejection in the Examiner's Answer that was not stated in the final Office action. In the petition, petitioner argues that the examiner's new arguments stated in paragraph 28 of page 14 of the Examiner's Answer regarding the term "compression" constitute new grounds of rejection of claims. Petitioner believes that the Examiner Answer contains new grounds of rejection. However, a careful study of the final rejection of March 16, 2011 and the Examiner Answer of November 9, 2011 does show that the rejections of claims were based on the same grounds of rejection under 35 USC 103 as unpatentable over the prior art references, U.S. Patents to Speier 6,478,731; Pilvisto US 2002/0177750; Vargas US 2006/0025652; Vargas US 2008/0091170; Patel 4,815,450 and Stouder 5,211,633. The rejections of claims were never changed. The Examiner's Answer of November 9, 2011 simply does not show any new grounds of rejection. The alleged new arguments in the Examiner's Answer appear to be rebuttals to the appellant's arguments presented in the Appeal Brief. The arguments in the Response to Arguments section of the Examiner's Answer do not constitute new grounds of rejection. The examiner's rebuttal arguments of Paragraph 28 of page 14 of the Examiner's Answer do not alter the grounds of rejection presented in the Section 9 of the Examiner's Answer. The rebuttal arguments in Paragraph 28 of page 14 of the Examiner's Answer do not change the basis of the rejection under 35 USC § 103 as set forth in Section 9 of the Examiner's Answer. It should be noted that there is no new ground of rejection when the basic thrust of the rejection remains the same. In this case, the statutory basis for the rejection and the evidence relied upon in support of the rejection remained the same in the Examiner's Answer of November 9, 2011. Petitioner should also note that even if the suggestion to characterize the examiner's rebuttal arguments in the Examiner's Answer of November 9, 2011 as new grounds of rejection were persuasive, which it is not, the appellant still would have had a fair opportunity to react to these rebuttal arguments in the Reply Brief as permitted under 37 CFR 41.41(a) (1). In such a circumstance, a change in the discussion of, or rationale in support of, a change of arguments, if any, the examiner's rebuttal arguments do not necessarily constitute a new ground of rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425,426-27 (CCPA 1976); MPEP § 1207.03 (III)¹. In this case, the appellant in fact did file a Reply Brief on January 9, 2012 to fully react to the examiner's rebuttal arguments of the Examiner's Answer of November 9, 2011. A fair opportunity to react to the examiner's rebuttal arguments was already provided. In the petition, petitioner failed to identify any particular rejection under Section 9 of the Examiner's Answer which constitutes new ground of rejection. Under the circumstances, there is no reason to compel the examiner to designate the rejection of claims as new grounds of rejections in the Examiner's Answer.

¹ MPEP 1207.03 III states in pertinent part: There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection. *Id.* at 1303, 190 USPQ at 427 (reliance upon fewer references in affirming a rejection under 35 U.S.C. 103 does not constitute a new ground of rejection).

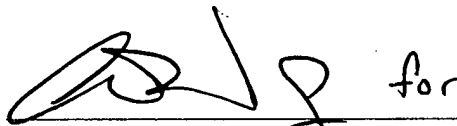
Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. The application is being returned to the Board of Patent Appeals and Interferences awaiting its decision on the claim rejections.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted.

Any inquiry regarding this decision should be directed to Henry Yuen, Supervisory Patent Examiner, at (571) 272-4856.

The petition is dismissed.

A handwritten signature in black ink, appearing to read 'AS' followed by a stylized flourish, with the word 'for' written in cursive to its right.

Angela D. Sykes, Director
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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AMGEN INC.
1120 VETERANS BOULEVARD
SOUTH SAN FRANCISCO CA 94080

MAILED

AUG 12 2010

In re Application of
Frank KAYSER, et al
Application No. 11/823,251
Filed: June 26, 2007
Docket No. A-1100-US-NP

: OFFICE OF PETITIONS
:
: DECISION ON PETITION
:
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 1, 2009, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 1628 for appropriate action by the Examiner in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of
Alexander J. Cohen et al.
Application No. 11/823,473
Filed: June 26, 2007
Attorney Docket No. QQ1-0089US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201

MAILED

MAR 14 2011

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

In re Application of
Alexander J. Cohen et al.
Application No. 11/823,483
Filed: June 26, 2007
Attorney Docket No. QQ1-0090US

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED
OCT 03 2011
OFFICE OF PETITIONS

In re Application of	:	
KIM, Hyo-Yul et al.	:	
Application No. 11/823,508	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: June 28, 2007	:	
Attorney Docket No. 68445(301264).	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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January 11, 2011

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza
Suite 300
Garden City NY 11530

In re Application of	:	
Kazuyuki Miyaki	:	DECISION ON PETITION
Application No. 11823597	:	
Filed: 06/28/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 21348	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 28, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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September 27, 2011

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
Anna M. Yaroslavsky et al.	:	DECISION ON PETITION
Application No. 11823610	:	
Filed: 6/28/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 65470(51588)	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 28, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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MAILED

DEC 08 2010

OFFICE OF PETITIONS

MICHAEL TAVELLA
2051 BRIGADIER DRIVE
ANCHORAGE AK 99507

In re Application of
Kevin Temple
Application No. 11/823,637
Filed: June 27, 2007
Title: Reusable Pallet Wrap

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ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 22, 2010.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed May 24, 2010. This Notice set a statutory period for reply of three (3) months. No response having been received, the application became abandoned on August 25, 2010. A Notice of Abandonment was mailed on September 10, 2010.

To establish nonreceipt of an Office action, a petitioner must:
1) include a statement that the Office action was not received;
2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3)
include a copy of the docket record where the nonreceived Office action would have been entered had it been received and

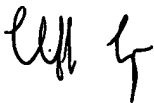
docketed.¹ A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."² "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."³

With the instant petition, petitioner has submitted a copy of a appropriate docket report. An entry for the instant application is absent, supporting the conclusion that the May 24, 2010 Notice of Allowance was not received

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to Group Art Unit 3612 for re-mailing of the May 24, 2010 Notice of Allowance, setting a new period for reply.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c) (II).

² MPEP 711.03(c) (II).

³ Id.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Patent No. : 7,812,305 B2
Ser. No. : 11/823,666
Inventor(s) : Miller, et. al.
Issued : October 12, 2010

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Christopher P. Carroll
Roper & Gray LLP
Prudential Tower
800 Boylston Street
Boston, Massachusetts 02199

ej



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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Date: 011/18/11

Patent No. : 8019503 B2
Ser. No. : 11/823,757
Inventor(s) : **Andreasen , et al.**
Issued : **September 13, 2011**
Title : **AUTOMOTIVE DIAGNOSTIC AND REMEDIAL PROCESS**
Docket No. : **EQUUS-197A**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

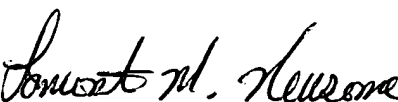
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.


Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

LMN



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STETINA BRUNDA
GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Patent No. 8,019,503	:	
Issue Date: September 13, 2011	:	
Application No. 11/823,757	:	DECISION ON PETITION
Filed: June 28, 2007	:	
Attorney Docket No. EQUUS-197A	:	

This is a decision on the Petition To Correct Assignee And A Request For A Certificate Of Correction, filed December 14, 2011, to accept the omission of assignee's name and residence. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to accept the omission of assignee's name and residence on the previously submitted PTOL-85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to accept the omission of assignee's name and residence to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), and the requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form PTO/SB/44 submitted with the Petition.


U.S. Patent No. 8,019,503
Application No. 11/823,757
Decision on Petition under 37 CFR 3.81

Page 2

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 8,019,503.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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NANCY CHIU WILKER, PH.D.
CHIEF INTELLECTUAL PROPERTY COUNSEL
CELL SIGNALING TECHNOLOGY, INC.
3 TRASK LANE
DANVERS MA 01923

MAILED
NOV 09 2010
OFFICE OF PETITIONS

In re Application of	:	
Rush et al.	:	
Application No. 11/823,775	:	ON PETITION
Filed: June 28, 2007	:	
Attorney Docket No. CST-201CIPDIV	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed October 14, 2010, to revive the above-identified application.

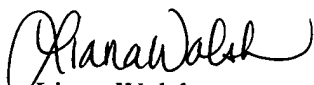
The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings and a Sequence Listing, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1175.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as previously authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 1641 for examination on the merits..


Liana Walsh
Petitions Examiner
Office of Petitions



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Sunstein Kann Murphy & Timbers LLP
125 Summer Street
Boston, MA 02110-1618

MAILED
APR 11 2012
OFFICE OF PETITIONS

In re Application of Rush et al.	:	
Application No. 11/823,775	:	Decision Dismissing Petitions
Filing Date: June 28, 2007	:	Under 37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket No. 3731/1004	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) filed February 22, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not include item (1) set forth above.

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications.

The original application papers incorporated the contents of Application No. 10/777,893 by reference. The amendment seeks to amend the specification to explicitly incorporate five additional applications.

Entry of the amendment will result in the incorporation by reference of applications, which were not incorporated by reference in the original application papers. However, such an action is improper. As stated in MPEP § 201.06(c)(IV),

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See *Dart Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

Any request for reconsideration should include an amendment that does not seek to incorporate by reference the additional applications. Petitioner may wish to simply replace the language "the disclosures of which are hereby incorporated by reference herein" in the current amendment with "and the disclosure of Application No. 10/777,893 is hereby incorporated by reference."

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any questions concerning this decision may be directed to Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 

DATE : 08/30/11

TO SPE OF : ART UNIT 2431

SUBJECT : Request for Certificate of Correction for Appl. No 11823,836 7673327B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

**Should the change(s)
Be made?**

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: ok to enter

/Nathan j. fyinn/ Nathan J. Flynn 2431

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/823,880	06/29/2007	James T. Wright	20129PIP1-USA	1702
31743	7590	11/01/2011		
Georgia-Pacific LLC			EXAMINER	
133 Peachtree Street NE - GA030-41			LITHGOW, THOMAS M	
ATLANTA, GA 30303				
			ART UNIT	PAPER NUMBER
			1778	
			MAIL DATE	DELIVERY MODE
			11/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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October 31, 2011

Georgia-Pacific LLC
133 Peachtree Street NE - GA030-41
ATLANTA GA 30303

In re Application of :
James T. Wright et al. : **DECISION ON PETITION**
Application No. 11823880 :
Filed: 06/29/2007 :
Attorney Docket No. 20129P1P1-USA :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 12, 2007.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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January 25, 2012

Georgia-Pacific LLC
133 Peachtree Street NE - GA030-41
ATLANTA GA 30303

In re Application of	:	
James T. Wright et al.	:	DECISION ON PETITION
Application No. 11823880	:	
Filed: 06/29/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 20129P1P1-USA	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 12, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/823,977	06/29/2007	Kenneth J. Byrnes	64332A US	2668
25212 7590 09/15/2010 DOW AGROSCIENCES LLC 9330 ZIONSVILLE RD INDIANAPOLIS, IN 46268				
EXAMINER KRUSE, DAVID H				
ART UNIT		PAPER NUMBER		
1638				
MAIL DATE		DELIVERY MODE		
09/15/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SEP 15 2010

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of:
Byrnes et al.
Serial No.: 11/823,977
Filed: June 29, 2007
Attorney Docket No.: 64332A US

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 8, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Declaration under CFR 1.132 submitted to the Patent Office on September 3, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600



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P.O. Box 1450
Alexandria, VA 22313-1450
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SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

MAILED

OCT 12 2011

OFFICE OF PETITIONS

In re Application of
Masashi Kuno
Application No.: 11/824,033
Filed: June 29, 2007
Attorney Docket No.: 21356

:
:
:
:
:

ON PETITION

This is a decision on the petition, filed October 11, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 20, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2624 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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BRINKS HOFER GILSON & LIONE/MARVELL
P.O. BOX 10395
CHICAGO, IL 60610

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Amit Joshi, et al.	:	
Application No. 11/824,046	:	DECISION GRANTING PETITION
Filed: June 29, 2007	:	UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. MP1163	:	

This is a decision on the petition under 37 CFR 1.313(c)(1), filed October 7, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The petition complies with the requirements of 37 CFR 1.313(c)(1). Accordingly, the above-identified application is withdrawn from issue.

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272 1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 2628 for consideration of the amendment submitted with the petition.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

MAILED
JAN 20 2011
OFFICE OF PETITIONS

In re Application :
Liu, et al. :
Application No. 11/824,084 : DECISION ON APPLICATION
Filed: June 29, 2007 : FOR PATENT TERM ADJUSTMENT
Docket No. 104825-0023-101 :

This is a decision on the petition under 37 CFR 1.705(b), filed December 15, 2010. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from ninety-seven (97) days to sixty-six (66) days.

The application for patent term adjustment is GRANTED to the extent indicated herein.

On September 17, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date was ninety-seven (97) days.

The Office initially determined a patent term adjustment of ninety-seven (97) days based on an adjustment for PTO delay of one hundred eighty-nine (189) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 CFR 1.703(a)(1), reduced by two (2) and ninety (90) days of applicant delay pursuant to 37 CFR 1.704(b).

Applicants point out that they should have been assessed additional days of delay under 37 CFR 1.704(b). The Office mailed a Notice to File Missing Parts on July 27, 2007. Applicants did not file a reply until November 27, 2007 (made

timely for purposes of avoiding abandonment by obtaining a two month extension of time). Accordingly, pursuant to 37 CFR 1.704(b), thirty-one (31) days of applicant delay should have been assessed.

In addition, a review of the file reveals that Applicants should have been assessed additional delay of seventeen (17) days pursuant to 37 CFR 1.704(c)(10). The Office mailed a Notice of Allowance on June 14, 2010. In reply, Applicants filed an RCE on September 1, 2010, to which the Office responded by mailing another Notice of Allowance on September 17, 2010. Accordingly, pursuant to 37 CFR 1.704(c)(10), Applicant delay of 17 days should have been assessed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **forty-nine (49) days** (189 days of PTO delay, reduced by 140 (31+2+90+17) days of applicant delay).

Receipt of the \$200 fee for filing the instant application for patent term adjustment is acknowledged.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Anthony Knight
Director
Office of Petitions

Enc: copy of PAIR screen



Patent Term Adjustments



PTA/PTe Information **Patent Term Adjustment** Patent Term Extension

Application Number: **11824084** Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: **11824084**

Application Filing Date: 06/29/2007	Overlapping Days Between (A and B) or (A and C): 0
Issue Date of Patent:	Non-Overlapping USPTO Delays: 189
A Delays: 189	PTO Manual Adjustment: 48
B Delays: 0	Applicant Delay (APPL): 92
C Delays: 0	Total PTA (days): 49

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
92	01/18/2011		P026	Adjustment of PTA Calculation by PTO	49	0	
80	09/17/2010		MN/-	Mail Notice of Allowance		0	
79	09/15/2010		IREV	Issue Revision Completed		0	
77	09/15/2010		N/-	Notice of Allowance Data Verification Completed		0	
74	09/08/2010		EXA	Examiner's Amendment Communication		0	
73	09/08/2010		CNTA	Notice of Allowability		0	
78	09/05/2010		DVER	Document Verification		0	
70	09/03/2010		FIDC	Finished Initial Data Capture		0	
66	09/03/2010		ABH9	Disposal for BRCE//CPA//R129		0	
72	09/01/2010		IDSC	Information Disclosure Statement considered		0	
69	09/01/2010		MB44	Information Disclosure Statement (IDS) Filed		0	
68	09/01/2010		RCAP	Reference capture on IDS		0	
67	09/01/2010		RCEX	Request for Continued Examination (RCE)		0	
65	09/01/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
64	09/01/2010		BRCE	Workflow Request for RCEC begin		0	
63	07/02/2010		CRFT	Sequence Forwarded to Pubs on Tape		0	
62	06/21/2010		EIDC	Export to Initial Data Capture		0	
61	06/14/2010		MEXA	Mail Examiner's Amendment		0	
60	06/14/2010		MN/-	Mail Notice of Allowance		0	
59	06/11/2010		IREV	Issue Revision Completed		0	
58	06/11/2010		DVER	Document Verification		0	
57	06/11/2010		EXA	Examiner's Amendment Communication		0	
56	06/11/2010		N/-	Notice of Allowance Data Verification Completed		0	
55	05/26/2010		CNTA	Notice of Allowability		0	
52	03/30/2010		FWDX	Date Forwarded to Examiner		0	
54	03/03/2010		IDSC	Information Disclosure Statement considered		0	
53	03/03/2010	03/03/2010	EIDS	Electronic Information Disclosure Statement		51	
51	03/03/2010	12/03/2009	A...	Response after Non-Final Action	20	46	
50	03/03/2010		XT/G	Request for Extension of Time Granted		0	
48	03/03/2010		EIDS	Electronic Information Disclosure Statement		0	
47	03/03/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
46	09/03/2009		MCTNF	Mail Non-Final Rejection		0	
45	09/02/2009		CTNF	Non-Final Rejection		0	
38	07/08/2009		FWDX	Date Forwarded to Examiner		0	
43	06/08/2009		IDSC	Information Disclosure Statement considered		0	
42	06/08/2009	06/08/2009	MB44	Information Disclosure Statement (IDS) Filed		37	
41	06/08/2009		RCAP	Reference capture on IDS		0	
37	06/08/2009	06/06/2009	ELC	Response to Election / Restriction Filed	2	33	
36	06/08/2009		XT/G	Request for Extension of Time Granted		0	
35	06/08/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	
34	05/07/2009		PG-ISSUE	PG-Pub Issue Notification		0	
33	03/06/2009	08/29/2008	MCTRS	Mail Restriction Requirement	182	-1	
32	03/04/2009		CTRS	Requirement for Restriction/Election		0	
30	03/03/2009		DOCK	Case Docketed to Examiner in GAU		0	
29	03/03/2009		DOCK	Case Docketed to Examiner in GAU		0	
28	03/03/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	
23	02/06/2009		OIPE	Application Dispatched from OIPE		0	
22	01/23/2009		PGPC	Sent to Classification Contractor		0	
21	01/23/2009		FLRCPT.U	Filing Receipt Updated		0	
18	01/16/2009		CRFE	CRF Is Good Technically / Entered into Database		0	
26	01/07/2009		CFRPT	Corrected filing/receipt		0	
25	01/07/2009		RU47	Rule 47 / 48 Correction of Inventorship Papers Filed		0	
17	11/17/2008		SQPR	SEQUENCE ERRORS		0	
10	11/06/2008		CRFD	CRF Is Flawed Technically / Not Entered into Database		0	
20	01/07/2008		ADDFLFE	Additional Application Filing Fees		0	
19	01/07/2008		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT		0	
27	11/27/2007		C604	Substitute Specification Filed		0	
24	11/27/2007		APE	Preliminary Amendment		0	
14	11/27/2007		ADDFLFE	Additional Application Filing Fees		0	
12	11/27/2007		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT		0	
11	11/27/2007		SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in		0	
9	11/27/2007		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant		0	
0	11/27/2007		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems		0	
7	08/03/2007		1128	Cleared by L&R (LARS)		0	
6	07/27/2007		INCD	Notice Mailed: Application Incomplete Filing Date Assigned		0	
4	07/16/2007		1198	Referred to Level 2 (LARS) by OIPE CSR		0	
3	07/16/2007		CLASS	CASE CLASSIFIED BY OIPE		0	
2	07/12/2007		SCAN	IFW Scan & PACR Auto Security Review		0	
1	07/02/2007		1EXX	Initial Exam Team on		0	
16	06/29/2007		CLAIM	Claim Preliminary Amendment		0	

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<i>In re</i> Patent No. 7,735,703 (Morgan et al.)	:	
Issue Date: June 15, 2010	:	DECISION GRANTING
Appl No. 11/824,252	:	PETITION
Filed: June 29, 2007	:	<i>37 CFR 1.324</i>
For: RELOADABLE SURGICAL STAPLING	:	
INSTRUMENT	:	
	:	
	:	
	:	

This is a decision on the petition filed on May 19, 2010 to correct inventorship under 37 CFR 1.48(c) and petition filed on May 9, 2011 request for certificate for correction under 37 CFR 1.322. The petitions have been considered as a petition to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Rinaldi I. Rada/

Rinaldi I. Rada
Supervisory Patent Examiner
Art Unit 3721
Technology Center 3700

K & L GATES LLP
K & L Gates Center
210 Sixth Avenue
Pittsburg, PA 15222



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P.O. Box 1450
Alexandria, VA 22313-1450
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DATE: September 1, 2011
TO: Certificates of Correction Branch
FROM: Rinaldi I. Rada
SPE, Art Unit 3721
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,735,703 as specified on the attached Certificate.

/Rinaldi I Rada/

Rinaldi I. Rada,
Supervisory Patent Examiner,
Art Unit 3721

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,735,703
Patented: June 15, 2010

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Jerome R. Morgan, Cincinnati, OH (US)
Christopher J. Hess, Cincinnati, OH (US)
William B. Weisenburgh, II, Maineville, OH (US)
Frederick E. Shelton, IV, Hillsboro, OH (US)

/Rinaldi. I. Rada/

Rinaldi I. Rada
Supervisory Patent Examiner
Art Unit 3721



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In re Patent No. 7,735,703 (Morgan et al.)
Issue Date: June 15, 2010
Appl No. 11/824,252
Filed: December 17, 2001
For: RELOADABLE SURGICAL STAPLING
INSTRUMENT

:
:
: **DECISION GRANTING**
: **PETITION**
: *37 CFR 1.324*
:
:
:
:

This is a decision on the petition filed on May 19, 2010 to correct inventorship under 37 CFR 1.48(c) and petition filed on May 9, 2011 request for certificate for correction under 37 CFR 1.322. The petitions have been considered as petition to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Rinaldi I. Rada/

Rinaldi I. Rada
Supervisory Patent Examiner
Art Unit 3721
Technology Center 3700

K & L GATES LLP
K & L Gates Center
210 Sixth Avenue
Pittsburg, PA 15222



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UZI EZRA HAVOSHA & PARTNERS
HADAR-DAFNA HOUSE 39 SHAOUL HAMELECH STREET
TEL AVIV 64928 IL ISRAEL

MAILED

JUN 20 2011

In re Application of : **OFFICE OF PETITIONS**
Taitler : **DECISION ON PETITION**
Application No. 11/824,331 :
Filed: July 2, 2007 :
For: METHOD AND DEVICE FOR MULTI- :
PURPOSE APPLICATIONS USING :
INTERCHANGEABLE HEADS :

This decision is in response to the petition to revive under 37 CFR 1.137(a), filed June 15, 2011.

The application became abandoned October 21, 2010 for failure to timely submit a proper reply to the non-final Office action mailed July 20, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed January 31, 2011.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item(s) (3).

The instant petition fails to comply with requirements (1) and (3) set forth above.

As to requirement (1), petitioner has failed to establish that the entire delay, from the time that a reply to the non-final Office action was due until the filing of a grantable petition, has been unavoidable.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as

unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

Petitioner attributes the abandonment of the application to non-receipt of the non-final Office action mailed July 20, 2010 as a result of mail tampering at the correspondence address to which the non-final Office action was mailed.

The petition has been carefully considered, but is not found persuasive.

The showing required to establish non-receipt of an Office communication must include a statement from the petitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Petitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by petitioner where the non-received Office action would have been entered had it been received is required. A copy of the petitioner's record(s) required to show non-receipt of the Office action should include the master docket. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the petitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See, MPEP 711.03(c).

The instant petition and supporting documents have been carefully reviewed but are not persuasive. Petitioner fails to describe the system used for recording an Office action received at the correspondence address of record with the USPTO. Accordingly, it cannot be found that the docketing system is sufficiently reliable.

As to requirement (3), the instant petition is not accompanied by the required reply to the non-final Office action mailed July 20, 2010.

Any request for reconsideration must be accompanied by the required reply to the non-final Office action.

Accordingly, the petition under 37 CFR 1.137(a) is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency decision.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the required petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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United States Patent and Trademark Office
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www.uspto.gov

Isaac Taitler
Saifan St. 15/2, Ramat Almogy
Haifa 34982 IL ISRAEL

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of

Taitler

Application No. 11/824,331

Filed: July 2, 2007

For: METHOD AND DEVICE FOR MULTI-
PURPOSE APPLICATIONS USING
INTERCHANGEABLE HEADS

:
: DECISION ON PETITION
:
:
:
:
:

This decision is in response to the petition to revive renewed under 37 CFR 1.137(b), filed July 18, 2011.

The application became abandoned October 21, 2010 for failure to timely submit a proper reply to the non-final Office action mailed July 20, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed January 31, 2011. A petition under 37 CFR 1.137(a) was filed June 15, 2011 and dismissed June 20, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition fails to comply with requirement (1) set forth above. The reply to the non-final Office action is not acceptable as it fails to comply with 37 CFR 1.33(b) which requires that all amendments be signed by the applicant. Further, applicant may wish to consider whether the amendment submitted complies with the provisions of 37 CFR 1.121.

Any request for reconsideration must be accompanied by a proper reply to the non-final Office action signed in accordance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.121.

Accordingly, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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MAILED
AUG 23 2011
OFFICE OF PETITIONS

Isaac Taitler
Saifan St. 15/2, Ramat Almogy
Haifa 34982 IL ISRAEL

In re Application of :
Taitler : DECISION ON PETITION
Application No. 11/824,331 :
Filed: July 2, 2007 :
For: METHOD AND DEVICE FOR MULTI- :
PURPOSE APPLICATIONS USING :
INTERCHANGEABLE HEADS :

This decision is in response to the petition to revive renewed under 37 CFR 1.137(b), filed August 2, 2011.

The application became abandoned October 21, 2010 for failure to timely submit a proper reply to the non-final Office action mailed July 20, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed January 31, 2011. A petition under 37 CFR 1.137(a) was filed June 15, 2011 and dismissed June 20, 2011. A petition under 37 CFR 1.137(b) was filed on July 18, 2011 and dismissed on July 28, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the provisions set forth above.

Accordingly, the petition is **GRANTED**.

This application is being directed to Group Art Unit 1774.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/824,370	06/29/2007	Paul Shafer	1448_002	4204
20874 7590 12/10/2010 MARJAMA MULDOON BLASIAK & SULLIVAN LLP 250 SOUTH CLINTON STREET SUITE 300 SYRACUSE, NY 13202			EXAMINER MICHALSKI, SEAN M	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 12/10/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MARJAMA MULDOON BLASIAK & SULLIVAN LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE NY 13202

In re Application of:

SHAFFER, PAUL

Serial No.: 11/824,370

Filed: March 3, 2008

Docket: 1448-002

Title: SAW COMPRISING MOVABLE GUIDE

DECISION ON PETITION TO
REVIEW RESTRICTION
REQUIREMENT UNDER
37 CFR 1.144

This is a decision on the petition filed November 17, 2010 to review the restriction requirements promulgated on July 27, 2009 and September 17, 2010. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is dismissed as moot with regard to the restriction requirement of July 27, 2009. The petition is granted with regard to the restriction requirement based on the constructive election mailed on September 17, 2010.


In his November 17, 2010 petition, petitioner requests the examiner to withdraw the restriction requirements issued on July 27, 2009 and September 17, 2010 under MPEP § 806.05(d) and § 806.05(j). In particular, petitioner believes that no substantive reasons and no examples have been provided in the restriction requirements. Petitioner opines that the restriction requirements do not meet the criteria for a proper restriction. Therefore, the request of withdrawal of the restriction requirements should be granted.

It is noted that in the restriction requirement of July 27, 2009, the restriction was promulgated based on original claims 1-25. During the prosecution of the application, on February 22, 2010, the applicant filed a Rule 111 amendment cancelling the non-elected claims 12-25. The cancellation of the majority of non-elected claims renders the original restriction requirement of July 27, 2009 no longer applicable. The propriety of the restriction requirement of July 27, 2009 cannot be decided. The requested relief can not be granted. A review of the latest restriction requirement based on constructive election mailed on September 17, 2010 shows that the examiner did not clearly explain why the newly added dependent claim 28 with mutually exclusive limitations is patentably distinct from the elected claims. Therefore, the restriction requirement of September 27, 2010 can not be sustained and is now withdrawn. However, in

order to clarify the status of the restriction requirements in view of the latest amendment filed on November 17, 2010 under 37 CFR 1.111, the examiner is directed to enter and consider the claim amendment of November 17, 2010 in the next Office action.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3724 for preparation of an Office action in response to the applicant's amendment filed on November 17, 2010 consistent with this decision. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED



Donald T. Hajec, Director
Technology Center 3700



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25TH FLOOR
CHICAGO IL 60606**

MAILED

JAN 19 2011

In re Application of	:	OFFICE OF PETITIONS
Joachim Heyse	:	
Application No. 11/824,483	:	DECISION ON PETITION
Filed: June 29, 2007	:	
Attorney Docket No. 4357.78574	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, June 29, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$405, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3617 for appropriate action by the Examiner in the normal course of business on the reply received January 3, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201

MAILED

MAR 14 2011

In re Application of
Alexander J. Cohen et al.
Application No. 11/824,515
Filed: June 29, 2007
Attorney Docket No. QQ1-0096US

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/824,522	06/29/2007	Shuji Yoshida	YKI-0220	3737

7590 09/30/2010
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2629

NOTIFICATION DATE	DELIVERY MODE
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09/30/2010

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer
Patent Publication Branch
Office of Data Management

Adjustment date: 09/29/2010 NFARMER
07/03/2007 LARZII 00000105 061130 11524522
22 10:21 250.00 CR

SPW

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 1662/02802)

In re Application of:)	
)	
Santiago Ini et al.)	Examiner: Loewe, Sun Jae Y
)	
Serial No.: 11/824,536)	Group Art Unit: 1626
)	
Filed: June 28, 2007)	Confirmation No. 2882
)	
For: Carvedilol phosphate)	

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 12, 2010

Signature: Neil H. Benowitz

Neil H. Benowitz

Petition to Make Special Under 37 CFR 1.102(d)

Sir:

Applicants petition that the instant application be made special under the Patent Application Backlog Reduction Stimulus Plan (75 FR 36063 (June 24, 2010)). The petition is according to 37 CFR 1.102(d). This petition to make special is based on the express abandonment of another copending application according to 37 CFR 1.138(a).

The copending application that is expressly abandoned is application no. 12/135,847, filed June 9, 2008. A copy of the letter of express abandonment for the copending application is attached. The instant application for which special status is sought and the copending application are commonly owned by Teva Pharmaceuticals Industries LTD. The assignment records can be found in reel 020396 frame 0162 for the instant application, and on reel 021737 frame 0840 for the copending application.

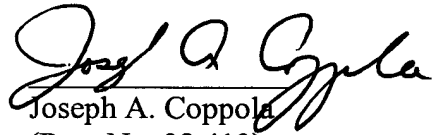
Applicants have not filed a petition to make special under the Patent Application Backlog Reduction Stimulus Plan in more than 14 other applications. In addition, Applicants agree to make an election without traverse in a telephonic interview if special status is granted to the instant application.

The petition fee of \$130.00 under 37 CFR 1.102(d) and 37 CFR 1.17(h) is waived under this plan. However, if the petition fee or any other fees are due, which may be required for the filing of this petition, please charge the fees to Kenyon & Kenyon, LLP Deposit Account No. 11-0600.

Respectfully Submitted,

Dated: August 12, 2010

By:



Joseph A. Coppola

(Reg. No. 38,413)

One Broadway

New York, New York 10004

(212) 425-7200

(212) 425-5288 (Fax)

CUSTOMER NUMBER 26646



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 01662/A444US1)

In re Application of:)	
)	
Nurit Perlman et al.)	Examiner: Unassigned
)	
Serial No.: 12/135,847)	Group Art Unit: 1632
)	
Filed: June 9, 2008)	Confirmation No. 4504
)	
For: Reduction processes for the)	
preparation of ezetimibe)	

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 12, 2010

Signature: Neil H. Benowitz

Neil H. Benowitz

Letter of Express Abandonment Under 37 CFR 1.138(a)

Sir:

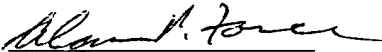
The instant application is expressly abandoned under 37 CFR 1.138(a). The express abandonment of the instant application is made under the Patent Application Backlog Reduction Stimulus Plan (75 FR 36063 (June 24, 2010)).

Applicants have not and will not file an application claiming benefit of the expressly abandoned application. Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application. Applicants agree not to request refund of fees paid in the expressly abandoned application.

Applicants believe that no fees are due. If any fees are due, which may be required for the filing of this letter of express abandonment, please charge the fees to Kenyon & Kenyon, LLP Deposit Account No. 11-0600.

Respectfully Submitted,

Dated: August 12, 2010

By: 
Alan P. Force
(Reg. No. 39,673)
One Broadway
New York, New York 10004
(212) 425-7200
(212) 425-5288 (Fax)
CUSTOMER NUMBER 26646



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 27 2010

OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
INI et al.	:	DECISION ON PETITION
Application No. 11/824,536	:	TO MAKE SPECIAL
Filed: June 28, 2007	:	37 CFR 1.102
Attorney Docket No. 1662/02802	:	

This is a decision on the petition under 37 CFR 1.102, filed August 16, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

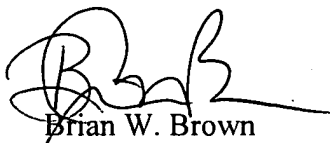
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-18-12

TO SPE OF : ART UNIT 2624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/824572 Patent No.: 8059907

CofC mailroom date: 1-16-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

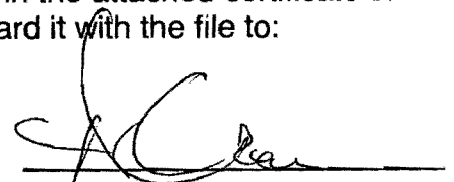
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____



Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.



☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: All changes approved

SPE /Bhavesh Mehta/

Art Unit 2624



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS A. O'ROURKE
BODNER & O'ROURKE, LLP
425 BROADHOLLOW ROAD, STE 120
MELVILLE NY 11747

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of :
Luke Liang et al. :
Application No. 11/824,576 : DECISION ON PETITION
Filed: June 29, 2007 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

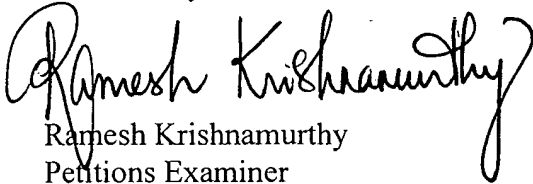
The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed August 18, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a election, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the restriction August 18, 2010 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3673 for appropriate action on the concurrently filed amendment.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first letter 'R' being particularly large and stylized. It is positioned above the printed name and title.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/824,616	07/02/2007	Qingsheng Lin	68439(49389)	3703
21874 7590 10/13/2011 EDWARDS WILDMAN PALMER LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER CIGNA, JACOB	
			ART UNIT	PAPER NUMBER
			3726	
			MAIL DATE	DELIVERY MODE
			10/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON MA 02205

<i>In re</i> Application of	:	
LIN, QINGSHENG et al	:	
Serial No.: 11/824,616	:	
Filed: July 2, 2007	:	
Docket: 68439(49389)	:	ABANDONMENT RECISSION
Title: TIRE FOR MATERIAL TREATMENT	:	LETTER
SYSTEM	:	

LETTER RESCINDING NOTICE OF ABANDONMENT

This is a response to the petition filed on October 3, 2011, a review of the record shows that a notice of abandonment, Form pto-1432, was mailed on Sep. 14, 2011, in patent application serial number 11/824,616. The notice of abandonment alleged that applicant failed to file a response to the Office letter dated January 31, 2011. However, the record does show that a complete response of a RCE and a claim amendment were timely filed on May 2, 2011. The filing fees for the RCE and one month of extension of time were authorized to be charged to the Attorney's Deposit Account # 04-1105 as authorized in the RCE request and page 13 of the claim amendment. In a telephone conversation on October 11, 2011, this authorization of fee charge was confirmed with the applicant's attorney, Mr. Joshua Jones a telephone conversation on October 11, 2011. Accordingly, the response is considered timely and the notice of abandonment is, therefore, hereby rescinded. The notice of abandonment of September 14, 2011 was sent in error. The RCE and the claim amendment of May 2, 2011 are considered timely and accordingly, the notice of abandonment is, therefore, hereby rescinded. Any inconvenience occasioned by the delay in associating the response with the application file is regretted.

/Henry C. Yuen/
Henry C. Yuen
Supervisory Patent Examiner
TC 3700
571 - 272 - 4856

Application Serial No. 10/818,962
Decision on Petition



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GAIL F HANEVOLD
19 WEST 95TH STREET
BLOOMINGTON MN 55420**

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
Gail F. Hanevold :
Application No. 11/824,748 : **DECISION ON PETITION**
Filed: July 2, 2007 :
Title: Body Attached Band With Removal :
Visual Image Pockets :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 16, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 24, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 25, 2010. A Notice of Abandonment was mailed July 14, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (2)

With regards to item (2) petitioner has failed to submitted the required small entity petition fee of \$810.00.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. **No consideration on the merits can be given to the petition until the required fee is received.**

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Donald W. Meeker
924 East Ocean Front #E
Newport Beach, CA 92661



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GAIL F HANEVOLD
19 WEST 95TH STREET
BLOOMINGTON MN 55420**

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of :
Gail F. Hanevold :
Application No. 11/824,748 : **DECISION ON PETITION**
Filed: July 2, 2007 :
Title: Body Attached Band With Removal :
Visual Image Pockets :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 14, 2011 and March 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 24, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 25, 2010. A Notice of Abandonment was mailed July 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment (previously submitted December 20, 2010), (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Additionally, petitioner has submitted an unnecessary duplicate \$810.00 petition fee. This amount will be refunded to petitioner via treasury check in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

MAILED
AUG 03 2010
OFFICE OF PETITIONS

In re Application of :
Ryuji ISHIGURO, et al. :
Application No. 11/824,803 : DECISION GRANTING PETITION
Filed: July 3, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **450100-4406.4** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 28, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 20, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2435 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DWW Feb-11

STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application of :
Dominick O'Reilly :
Application Number: 11/824808 : ON PETITION
Filing Date: 07/03/2007 :
Attorney Docket Number: :
43271/1.2 :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on December 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 29, 2010, for failure to timely respond to the non-final Office action mailed on December 28, 2009, which set a three (3)-month shortened statutory period for reply. Notice of Abandonment was mailed on August 3, 2010.

Receipt of the amendment filed on December 1, 2010 is acknowledged.

Receipt of the petition fee is acknowledged.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.¹ In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37

¹ See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

CFR 1.137(b) was unintentional, petitioner must notify the Office.

As requested in the amendment filed with the subject petition, the inventor's name last name has been corrected as set forth in MPEP 201.03. A corrected Filing Receipt is enclosed for applicant's records.

The application is referred to the Technology Center Art Unit 3743 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/824,808	07/03/2007	3743	545	43271/1.2	20	3

CONFIRMATION NO. 4944

CORRECTED FILING RECEIPT



OC000000045781516

32642
STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

Date Mailed: 02/01/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dominick O'Reilly, Cohayo, IRELAND;

Power of Attorney: The patent practitioners associated with Customer Number 32642

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 07/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/824,808**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Waste treatment system

Preliminary Class

034

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 3, 2011

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction for Appl. No.: 11824861 Patent No.: 7756627

CofC mailroom date: Dec. 20,
2010

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Valerie Jackson

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit

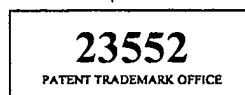
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	7,756,627 B2	Docket:	15407.0069US01
Issue Date:	JULY 13, 2010	Patentee:	CASAL KULZER
Title:	PROCEDURE FOR THE OPERATION OF AN INTERNAL COMBUSTION ENGINE		

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450



Dear Sir:

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the drawings in the above-identified United States patent. One copy of the text of the Certificate in the suggested form is enclosed. It is noted that the enclosed drawings were originally submitted with the application on July 3, 2007.

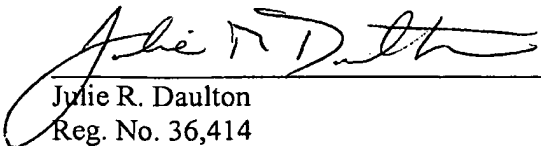
As none of the errors listed is due to Applicant's mistake, no fee is necessary in connection with this Certificate.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims, and re-examination is not required.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 12/20/10


Julie R. Daulton
Reg. No. 36,414
JRD:TPJ:PLSkaw

CERTIFICATE OF CORRECTION

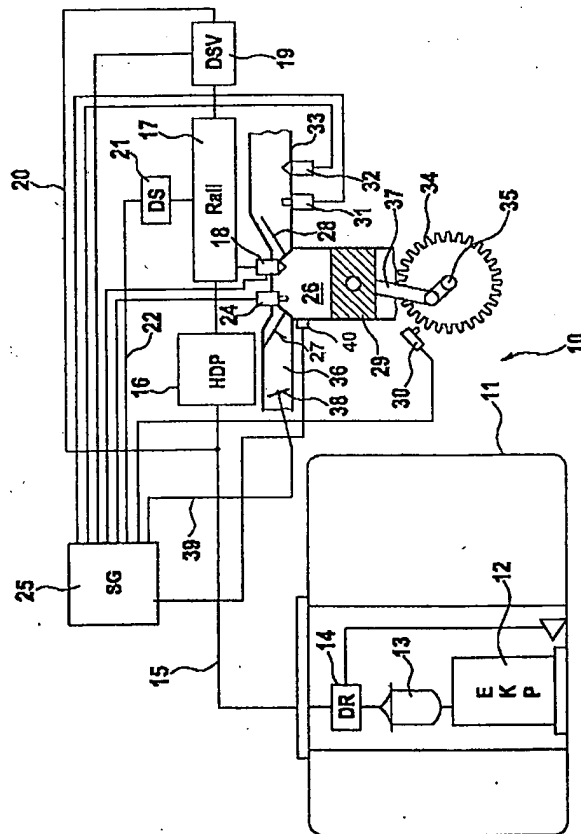
PAGE 1 of 3

PAGE 1 of 3

PAGE 1 of 3

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Front page, Drawing: Delete drawing on front page and replace with following correct drawing:



MAILING ADDRESS OF SENDER:
Merchant & Gould P.C.
Attn: Julie R. Daulton
P.O. Box 2903
Minneapolis, MN 55402-0903

PATENT NO. 7,756,627 B2

Docket No. 15407.0069US01

No. of add'l copies 0

23552

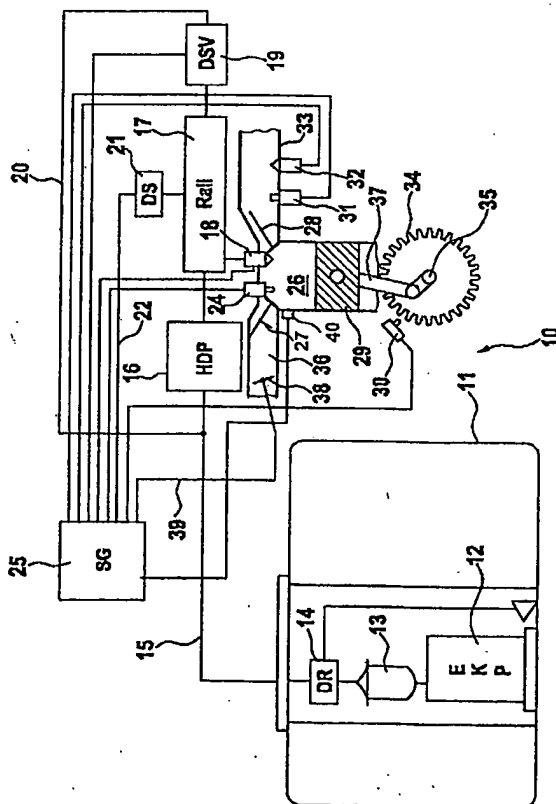
PATENT TRADEMARK OFFICE

PATENT NO. : 7,756,627 B2
DATED : JULY 13, 2010
INVENTOR(S) : CASAL KULZER

DATED : JULY 13, 2010

INVENTOR(S) : CASAL KULZER

Drawings, Sheet 1 of 2: Delete Sheet 1 of 2 and replace with the following correct drawing:
Fig. 1



No. of add'l copies 0

PATENT TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,756,627 B2

PAGE 3 of 3

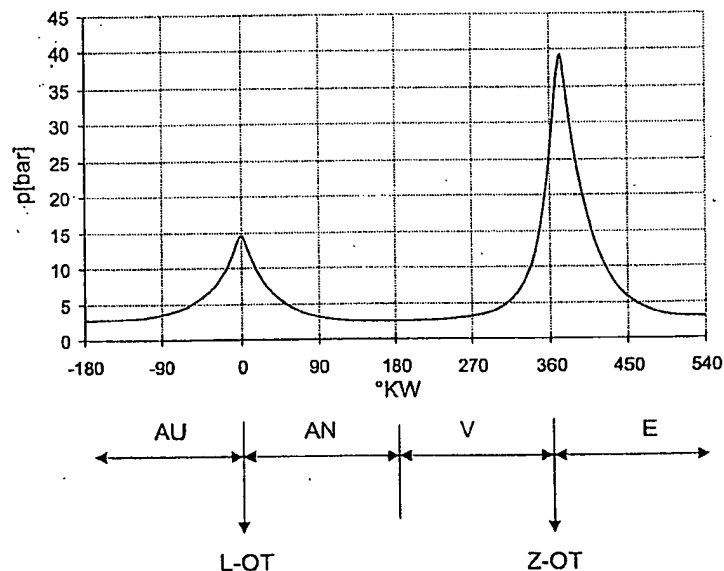
DATED : JULY 13, 2010

INVENTOR(S): CASAL KULZER

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Drawings, Sheet 1 of 2: Delete Sheet 1 of 2 and replace with the following correct drawing:

Fig. 2



MAILING ADDRESS OF SENDER:
Merchant & Gould P.C.
Attn: Julie R. Daulton
P.O. Box 2903
Minneapolis, MN 55402-0903

PATENT NO. 7,756,627 B2

Docket No. 15407.0069US01

No. of add'l copies 0

23552

PATENT TRADEMARK OFFICE



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANTOINETTE M. TEASE
P. O. BOX 51016
BILLINGS, MT 59105

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of

UNMACK, Paul Neilson
Application No. 11/824,923
Filed: July 03, 2007
Attorney Docket No. **316-1**

:
:
: **DECISION ON PETITION**
:
: **TO WITHDRAW**
:
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 12, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Antoinette M. Tease has been revoked by the applicant of the patent application on October 17, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **STEPHEN CHRISTOPHER SWIFT**
SWIFT LAW OFFICE
2121 EISENHOWER AVENUE
SUITE 200
ALEXANDRIA VA 22314-4688



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BURNEWIIN
SUITE C
1225 WASCO STREET
HOOD RIVER, OR 97031

MAILED
AUG 19 2010
OFFICE OF PETITIONS

In re Application of :
Scott Sutherland, et al. :
Application No. 11/824,969 : **DECISION ON PETITION**
Filed: July 2, 2007 :
Attorney Docket No.: BURN - 302 :

This is a decision on the communication, filed June 18, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of October 29, 2009. A Notice of Abandonment was mailed on May 19, 2010. In response on June 18, 2010, the present petition was filed.

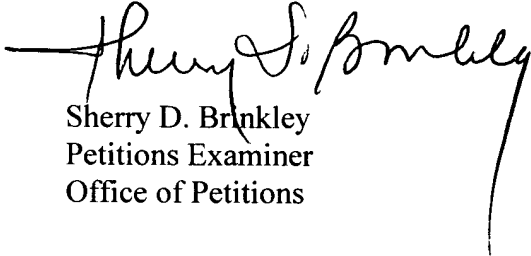
Petitioner states that a timely reply was mailed using a certificate of mailing dated January 29, 2010. Petitioner submits a copy of the previously mailed transmittal letter bearing a certificate of mailing dated January 29, 2010, a copy of the check for the extension of time and a copy of the return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on February 2, 2010 of, *inter alia*, Amendment/Response.

The response acknowledged as having been received in the USPTO on February 2, 2010 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed

serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the election of the invention to be examined was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on February 2, 2010, with a certificate of mailing dated January 29, 2010.

This application is being referred to Technology Center AU 3632 for appropriate action in the normal course of business on the reply received with petition.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: NATHAN P. KOENIG
4501 POST CANYON DR.
HOOD RIVER, OR 97031



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE WEINTRAUB GROUP, P.L.C.
28580 Orchard Lake Road
Suite 140
Farmington Hills MI 48334

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of
Wheeler
Application No. 11/824,985
Filed: July 3, 2007
Atty. Dkt. No.: WRD-100-A

:
: **DECISION ON PETITION**
:
:
:

This decision is in response to the petition under 37 CFR 1.137(b), filed September 15, 2010.

The petition is **GRANTED**.

The application became abandoned August 11, 2008 for failure to timely submit a proper reply to the Notice of Non-Compliant Reply (Notice) mailed July 10, 2008. The Notice set a one month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed February 13, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3751 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

MAILED

AUG 23 2010

In re Application of
Mayer Eisenstein, et al.
Application No. 11/825,005
Filed: July 3, 2007
Attorney Docket No. 13283-4

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 27, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Edward Machado on behalf of all attorneys of record who are associated with customer No. 00757. All attorneys/agents associated with the Customer Number 00757 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed July 21, 2010 that requires a reply from applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MAYER EISENSTEIN,
C/O JEREMY B. EISENSTEIN, ESQ
AZULAY SEIDEN LAW GROUP
205 N. MICHIGAN AVENUE, 40TH FLOOR
CHICAGO, IL 60601



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/825,005	07/03/2007	Mayer Eisenstein	13283-4

CONFIRMATION NO. 5861

POWER OF ATTORNEY NOTICE



OC000000043098418

Date Mailed: 08/18/2010

757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/27/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 27, 2011

In re Application of :

Shawn Wu

Application No : 11825010

Filed : 03-Jul-2007

Attorney Docket No : B02-021B

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed September 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11825010	
Filing Date	03-Jul-2007	
First Named Inventor	Shawn Wu	
Art Unit	3657	
Examiner Name	ANNA MOMPER	
Attorney Docket Number	B02-021B	
Title	ENDLESS BELT WITH IMPROVED LOAD CARRYING CORD	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

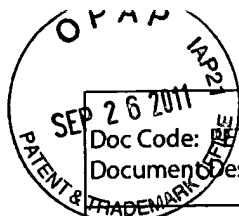
☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/paul n dunlap/
Name	Paul N. Dunlap
Registration Number	52840



Doc Code: PFT.AUTO
Document Description: Petition automatically granted by EFS-Web

PTO/SB/64
U.S. Patent and Trademark Office
Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	11825010
Filing Date	03-Jul-2007
First Named Inventor	Shawn Wu
Art Unit	3657
Examiner Name	ANNA MOMPER
Attorney Docket Number	B02-021B
Title	ENDLESS BELT WITH IMPROVED LOAD CARRYING CORD

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- ☐ Applicant(s) status remains as SMALL ENTITY.
- ☒ Applicant(s) status remains as other than SMALL ENTITY.

09/28/2011 INTEFSW 00005159 11825010

Issue Fee and Publication Fee :

01 FC:1453 1860.00 DA

Issue Fee and Publication Fee are not due.

- ☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/paul n dunlap/
Name	Paul N. Dunlap
Registration Number	52840

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 4, 2010

TO SPE OF : ART UNIT 2474

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/825087 Patent No.: 7817642

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Magdalene Talley

**Certificates of Correction Branch
(571)272-0XXX**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

_____ **SPE** /Aung S. Moe/ **Art Unit** 2474

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110125

DATE : January 25, 2011

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction on Patent No.: 7764181

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

The references that are requested to be added to the list of references on the face page of the patent are found in the IDS dated 2/2/2009. These references were considered with respect to the patentability of the patent, however, the examiner had indicated the referneces as considered by inserting the date of consideration of the referneces in the 1449 form instead of initialling the references. The corrections does not involve introduction of new matter or require the reexamination of the patent.

/BENJAMIN C. LEE/
Supervisory Patent Examiner, Art Unit 2612

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6-7-11 Paper No.: _____
 TO SPE OF : ART UNIT 2881
 SUBJECT : Request for Certificate of Correction for Appl. No. 11/825136 Patent No.: 76704158
 CofC mailroom date: 6-1-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check Drawings

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ennis Young
 Certificates of Correction Branch
 703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/NIMESHKUMAR D. PATEL/

2881

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE

6-7-11

Paper No.: _____

TO SPE OF

: ART UNIT

2881

SUBJECT

: Request for Certificate of Correction for Appl. No.

11/825136

Patent No.:

7670458

CofC mailroom date:

6-1-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Cheek Drawings

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ennis Young

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/NIMESHKUMAR D. PATEL/

2881

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOISON PACKAGING, INC.
5060 NORTH ROYAL ATLANTA DRIVE
SUITE # 32
TUCKER GA 30084-3051

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of
Jianyi Sun
Application No. 11/825,172
Filed: July 5, 2007
Title of Invention: Super Air Permeability and
reinforced seams of Peanuts Bag (APC
BAG-SBA)

ON PETITION

This is a decision on the petition filed December 7, 2010, under 37 CFR 1.137(b), to revive the above identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned October 30, 2007 for failure to file a timely response to the Notice to File Missing Parts mailed August 28, 2007. Accordingly, a Notice of Abandonment was mailed May 7, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks item (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

While petitioners argue that the delay in filing a timely response to the August 28, 2010 Notice to File Missing Parts was unintentional, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of \$500 or a fee of \$50 **would not be granted where the abandonment or the failure to pay the fee for issuing the patent was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (three years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, it must be explained what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from whoever was involved with this application at the time of abandonment. Statements are required from any and all persons having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over two five years) could trigger, as here, a request for additional information. As the courts have since made

clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all persons, having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

- (A) the date that the applicant first became aware of the abandonment of the application; and
- (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. See also New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S. District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FOISON PACKAGING, INC.
5060 NORTH ROYAL ATLANTA DRIVE
SUITE # 32
TUCKER GA 30084-3051

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of
Jianyi Sun
Application No. 11/825,172
Filed: July 5, 2007
Title of Invention: Super Air Permeability and
reinforced seams of Peanuts Bag (APC
BAG-SBA)

ON PETITION

This is a decision on the renewed petition filed January 19, 2011, under 37 CFR 1.137(b)¹, to revive the above identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704. The petition for reconsideration however, should include an exhaustive attempt to provide an acceptable explanation of unintentional delay as after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

This application became abandoned October 30, 2007 for failure to file a timely response to the Notice to File Missing Parts mailed August 28, 2007. Accordingly, a Notice of Abandonment was mailed May 7, 2008. A petition filed December 7, 2010 was dismissed in a decision mailed December 30, 2010 because while petitioners argued that the delay in filing a timely response to the August 28, 2010 Notice to File Missing Parts was unintentional, the delay was not shown to the satisfaction of the Director to be unintentional.

As the application was abandoned for more than three years, the decision on petition required an additional showing with which to evaluate that the delay in reply that originally resulted in the abandonment and the delay in filing an initial petition pursuant

¹ A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

to 37 CFR 1.137(b) to revive the application was unintentional.

As was indicated in the previous decision, 35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (three years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

Comes now petitioner with the instant renewed petition and an explanation that argues instead of filing a timely response to prevent the application from becoming abandoned, applicant worked on testing and on ways to improve the invention, which in this case can only be viewed as intentional delay.

For all the reasons listed above, petitioner has not carried the burden of proof to establish to the satisfaction of the Commissioner that the delay was unintentional.

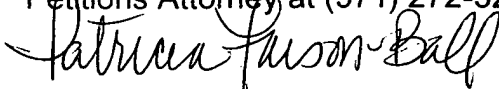
As petitioner has not provided a showing of evidence to satisfy the requirements of a grantable petition under the unintentional, the petition will be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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MAILED

JUN 02 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of
Jianyi Sun
Application No. 11/825,172
Filed: July 5, 2007
Title of Invention: Super Air Permeability and
reinforced seams of Peanuts Bag (APC
BAG-SBA)

This is a decision on the renewed petition filed April 12, 2011, under 37 CFR 1.137(b)¹, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned October 30, 2007 for failure to file a timely response to the Notice to File Missing Parts mailed August 28, 2007. Accordingly, a Notice of Abandonment was mailed May 7, 2008. A petition filed December 7, 2010 was dismissed in a decision mailed December 30, 2010 because while petitioners argued that the delay in filing a timely response to the August 28, 2010 Notice to File Missing Parts was unintentional, the delay was not shown to the satisfaction of the Director to be unintentional. A renewed petition filed January 19, 2011 was dismissed in a decision mailed February 14, 2011 as additional information regarding the delay was required.

Comes now petitioner with the instant renewed petition.

The filing of the response on December 7, 2010, to the Notice to File Missing Parts mailed August 28, 2010, is acknowledged.

All other requirements having been met, the application is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Gerald M. Bluhm
Tyco Safety Products
50 Technology Drive
Westminster MA 01441-0001

MAILED

MAR 15 2012

OFFICE OF PETITIONS

In re Application of :
SAVAGE et al. :
Application No. 11/825,213 : **DECISION GRANTING PETITION**
Filed: 07/05/2007 :
Attorney Docket No. 12715/67 (F-TP-00188) :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 16, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of a prior-filed nonprovisional application.

The petition is **GRANTED**.

A petition for acceptance of an unintentionally delay claim under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim benefit of the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed nonprovisional application, accompanies this decision on petition.

The Office finance records indicate that petitioners obtained an extension of time for response within the first month on February 7, 2012. Petitioners indicate that the present petition, including the accompanying amendment, is a supplemental response to the Office action mailed October 7, 2011. Thus, an extension of time for response within the second month is necessary to avoid abandonment of the application. Accordingly, the Office will apply the \$150.00 one month extension of time fee to the amount due for the two month extension of time fee of \$560.00 and charge the deposit account the difference of \$410.00, as authorized.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2612 for consideration by the Examiner of petitioners' entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed nonprovisional application.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/825,213	07/05/2007	2612	1490	12715/67 (F-TP-00188)	22	3

CONFIRMATION NO. 5993

CORRECTED FILING RECEIPT



OC000000053158942

79786

Gerald M. Bluhm
Tyco Safety Products
50 Technology Drive
Westminster, MA 01441-0001

Date Mailed: 03/15/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kenneth E. Savage JR., Fitchburg, MA;
Anthony J. Capowski, Westford, MA;
Mark P. Barrieau, Baldwinville, MA;

Power of Attorney: The patent practitioners associated with Customer Number 79786

Domestic Priority data as claimed by applicant

This application is a CIP of 11/282,358 11/18/2005 PAT 7333010

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 07/27/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/825,213**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

System for testing NAC operability using backup power

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH NC 27611-8539

MAILED

FEB 07 2011

OFFICE OF PETITIONS

In re Application of :
John J. Pavon :
Application No. 11/825,273 : **DECISION ON PETITION**
Filed: July 5, 2007 :
Attorney Docket No. 4060-001 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 12, 2010, which will be treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before October 20, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed July 20, 2010. A Notice of Abandonment was mailed November 3, 2010.

Petitioner asserts that upon submitting the issue and publication fees on September 3, 2010 that "in section 5 of the fee transmittal form, PTOL-85, the option "b" (no longer claiming small entity" was checked IN ERROR." Petitioner also asserts that "THIS APPLICATION HAS BEEN AND REMAINS TO PRESENT A SMALL ENTITY." Therefore, the small entity issue fee of \$755.00 and publication fee of \$300.00 were timely submitted on September 3, 2010.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Further, the petition under 37 CFR 1.137(b) is hereby **DISMISSED AS MOOT**.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. Accordingly, the small entity \$810.00 petition fee submitted with the 1.137(b) will be credited to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.
1100 NEW YORK AVE., N.W.
WASHINGTON DC 20005

MAILED

AUG 16 2011

In re Application of	:	PCT LEGAL ADMINISTRATION
GLASER, Scott et al.	:	
Application No.: 11/825,305	:	
PCT No.: PCT/US2006/000502	:	DECISION ON PETITION
Int. Filing Date: 05 January 2006	:	
Priority Date: 05 January 2005	:	UNDER 37 CFR 1.181
ATTY Docket No.: 2159.2810001/EJH/BNC	:	
For: CRIPTO BINDING MOLECULES	:	

This decision is in response to applicant's PETITION UNDER 37 C.F.R. 1.181 to correct the Electronic File Wrapper filed in the United States Patent and Trademark Office (USPTO) on 25 July 2011.

BACKGROUND

On 05 January 2006, applicant filed international application PCT/US2006/000502, which claimed priority of an earlier United States provisional application 60/641,691, filed 05 January 2005.

On 03 July 2007, applicant filed the present application, which claims domestic priority as a continuation of PCT/US2006/000502.

On 07 July 2009, the USPTO issued a Filing Receipt for the present application. The filing receipt listed both the present application as a continuation of international application PCT/US2006/000502 and international application PCT/US2006/000502 claiming benefit of U.S. provisional application 60/641,691.

On 18 May 2011, the electronic file wrapper of the present application within the Patent Application Information Retrieval (PAIR) system did not list the priority claim of United States provisional application 60/641,691 within the "Continuity Data" tab.

On 25 July 2011, the applicant filed the present petition.

Application No.: 11/825,305

DISCUSSION

Applicant requests correction of the continuity data in the electronic file wrapper of the present application within the PAIR system to reflect the priority claim of United States provisional application 60/641,691.

In support, the applicant has submitted:

(1) a PAIR screen shot dated 18 May 2011, showing the provisional application missing from the listing of benefit documents within the "Continuity Data" tab within the PAIR system for the present application;

(2) a copy of the Filing Receipt, filed 07 July 2009, which lists the U.S. provisional application 60/641,691 as a benefit claim to PCT/US2006/000502; and

(3) a copy of the Application Data Sheet, filed with the present application on 03 July 2007, which lists U.S. provisional application 60/641,691 in the "Domestic Priority Information" section.

CONCLUSION

The petition under 37 CFR 1.181 is hereby **GRANTED**. The Patent Application Information Retrieval (PAIR) has been corrected to reflect the priority claim to the U.S. provisional application 60/641,691.

Any further correspondence with request to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Shane Thomas
Detailee
Office of PCT Legal Administration
Tel: (571) 272-6095



Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

SEP 09 2010

OFFICE OF PETITIONS

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK, NY 10038

In re Application of
Jin Chen Chuang, et al.
Application No. 11/825,350
Filed: July 6, 2007
Attorney Docket No.: 17247 B (5675 RK)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed July 19, 2010.

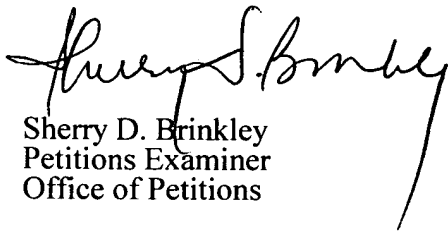
The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 26, 2009, as required by the Notice of Allowance and Fee(s) Due mailed July 24, 2009. A Notice of Abandonment was subsequently mailed on November 6, 2009. On July 19, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$755 issue fee and \$300 publication fee; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Application of :
David Anthony Hughes, et al. :
Application No. 11/825,497 : DECISION GRANTING PETITION
Filed: July 5, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PA4235US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 22, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU-2188 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

ok to enter

/J.T./ 12/07/2011 (12/07/2011)

PATENT

Paper No.

File: GRAFF-P1-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	GRAFF, Richard A.; MCKEVITT, James M.
Serial No.	:	11/825,503
Confirmation No.	:	6160
Filed	:	July 6, 2007
For	:	SECURITIZED REUSABLE PERSONAL ASSET SYSTEM
Group Art Unit	:	3667
Examiner	:	MALHOTRA, Sanjeev

MS: Issue fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER ALLOWANCE

S I R :

In response to the Notice of Allowance mailed on November 16, 2011, in the above-referenced patent application, please enter the following amendment and consider the application in view of the amendment and remarks set forth below, and issue the patent accordingly.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/28/11

TO SPE OF : ART UNIT 3694

SUBJECT : Request for Certificate of Correction for Appl. No.: 11825517 Patent No.: 7865416

CofC mailroom date: 04/22/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Please Issue the certificate of correction. And all the changes are ok.

/Kambiz Abdi/
SPE

3694
Art Unit



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HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY MI 48098

MAILED

MAR 16 2011

In re Application of	:	OFFICE OF PETITIONS
Kondapalli	:	
Application No. 11/825,556	:	DECISION ON PETITION
Filed: July 6, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. MP1270	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 8, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional applications set forth in the amendment filed on February 8, 2011.

The petition under 37 CFR 1.78(a)(6) is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C.

§119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional applications, accompanies this decision on petition.

If Petitioner desires to receive future correspondence regarding this patent, the appropriate change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Any inquiries concerning this decision may be directed to Charlema Grant at (571) 272-3215. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to art unit 2473 for further processing within the normal course of business.



Christopher Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

Cc: Harness, Dickey & Pierce, P.L.C
P.O. Box 828
Bloomfield Hills, Michigan 48303



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/825,556	07/06/2007	2473	1900	MP1270	34	4

CONFIRMATION NO. 6378

CORRECTED FILING RECEIPT



26703
HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

Date Mailed: 03/17/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Raghu Kondapalli, San Jose, CA;

Power of Attorney: The patent practitioners associated with Customer Number 26703

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/823,205 08/22/2006
and is a CIP of 11/256,465 10/21/2005 PAT 7,646,718
which claims benefit of 60/673,106 04/18/2005
and claims benefit of 60/696,278 06/29/2005

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 07/27/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/825,556**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PACKET SAMPLING USING RATE-LIMITING MECHANISMS

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/825,627	07/05/2007	Edwin L. Madison	3800003.00002 / 4902	7403
77202	7590	01/31/2011	EXAMINER	
K&L Gates LLP			KAM, CHIH MIN	
3580 Carmel Mountain Road			ART UNIT	
Suite 200			PAPER NUMBER	
San Diego, CA 92130			1656	
			MAIL DATE	DELIVERY MODE
			01/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND
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JAN 3 1 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Edwin L. Madison
Serial No.: 11/825,627
Filed: July 5, 2007
Attorney Docket No: **3800003.00002 / 4902**

:
: PETITION DECISION
:
:
:

This is in response to the petition filed on January 13, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on August 1, 2008; August 21, 2008; October 17, 2008; October 30, 2008; May 15, 2009; February 11, 2010; May 12, 2010; and October 29, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on August 1, 2008; August 21, 2008; October 17, 2008; October 30, 2008; May 15, 2009; February 11, 2010; May 12, 2010; and October 29, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on August 1, 2008; August 21, 2008; October 17, 2008; October 30, 2008; May 15, 2009; February 11, 2010; May 12, 2010; and October 29, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (August 1, 2008, "Transmittal Letter" of 4 pages; August 21, 2008, "Transmittal Letter" of 5 pages; October 17, 2008, "Transmittal Letter" of 2 pages; October 30, 2008, "Transmittal Letter" of 4 pages;

May 15, 2009, "Transmittal Letter" of 5 pages; February 11, 2010, "Transmittal Letter" of 2 pages; May 12, 2010, "Transmittal Letter" of 3 pages; and October 29, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of August 1, 2008; August 21, 2008; October 17, 2008; October 30, 2008; May 15, 2009; February 11, 2010; May 12, 2010; and October 29, 2010.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Dane et al.	:	ON APPLICATION FOR
Application No. 11/825,654	:	PATENT TERM ADJUSTMENT
Filed: July 6, 2007	:	
Attorney Dkt. No. 096005-0122	:	
For: METHOD AND APPARATUS FOR	:	
SENDING AND TRACKING RESUME	:	
DATA SENT VIA URL	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed November 4, 2010. Applicants request that the determination of patent term adjustment be corrected from one hundred eighty (180) days to four hundred four (404) days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required. The fee set forth in 37 CFR 1.18(e) is required and will not be refunded.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the

computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Application No. 11/825,654.

Page 3

after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.



Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 14,2011

In re Application of :

Mark Frank

Application No : 11825693

Filed : 09-Jul-2007

Attorney Docket No : 20060255

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed September 14,2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11825693	
Filing Date	09-Jul-2007	
First Named Inventor	Mark Frank	
Art Unit	3641	
Examiner Name	BRET HAYES	
Attorney Docket Number	20060255	
Title	METHOD FOR BREACHING A MINEFIELD	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY. 		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee are not due.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Issue Fee Transmittal is attached 		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.


THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Daniel J. Long/
Name	Daniel J. Long
Registration Number	29404

DAL

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		
Application Number	11825693		
Filing Date	09-Jul-2007		
First Named Inventor	Mark Frank		
Art Unit	3641		
Examiner Name	BRET HAYES		
Attorney Docket Number	20060255		
Title	METHOD FOR BREACHING A MINEFIELD		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;(4) Statement that the entire delay was unintentional.			
<p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>			
Issue Fee and Publication Fee :		<p>09/14/2011 INTEFSU 00209349 11825693 01 FC:1453 1620.03 DA</p>	
<p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>			
Drawing corrections and/ or other deficiencies.			

☒ Drawing corrections and/ or other deficiencies are not required

☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on

☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

☐ A joint inventor; all of whom are signing this e-petition.

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Daniel J. Long/
Name	Daniel J. Long
Registration Number	29404



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date: September 14, 2011

In re Application of:

Mark Frank

Application No: 11825693

Filed: 09-Jul-2007

Attorney Docket No: 20060255

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed September 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
P.O. BOX 5052
TROY MI 48007

MAILED
MAR 04 2011
OFFICE OF PETITIONS

In re Application of	:
Alain Wesquet et al	:
Application No. 11/825,711	: DECISION GRANTING PETITION
Filed: July 9, 2007	: UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. DP-315609	:

This is a decision on the petition filed March 3, 2011, which is being treated as a petition under 37 CFR 1.313(c)(1), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The petition complies with the requirements of 37 CFR 1.313(c)(1). Accordingly, the above-identified application is withdrawn from issue.

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The application is being referred to Technology Center AU 3747 for consideration of the amendment submitted with the petition.

KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/825,776	07/09/2007	Liang-Chy Chien	KNST 200055US01(KSU.294)	8120
27885	7590	09/09/2010	EXAMINER	
FAY SHARPE LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			KIM, ELLEN E	
			ART UNIT	PAPER NUMBER
			2874	
			MAIL DATE	DELIVERY MODE
			09/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

In re Application of
Liang-Chy Chien
Serial No.: 11/825776
Filed: 09 July 2007
For: CHOLESTERIC LIQUID CRYSTAL LIGHT
MODULATORS

DECISION ON PETITION
ACCEPTANCE OF COLOR
DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed 09 July 2007, requesting acceptance of the color drawings filed on 09 July 2007.

The petition requests that the color drawings, noted as Figure 5a be accepted in lieu of black and white drawings. The Petitioner has provided three additional sets of the originally filed color drawings with the instant request for reconsideration. The original sets of color drawings were filed in the Patent and Trademark Office on 09 July 2007 and were part of the original artifact folder.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) set of the color drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

A review of the file record finds three sets of color drawings dated 09 July 2007 (i.e., via the artifact record and the SCORE Placeholder Sheet), the necessary language as the first paragraph of the brief description of the drawings section of the specification (which already present in the original specification filed 09 July 2007), and the necessary fee, the requirements of 37 C.F.R. § 1.84(a)(2) have been met.

Accordingly, the petition is **GRANTED**.

The application file will be forwarded to the Office of Publications for appropriate action in due course.

/Uyen-Chau N. Le/
Supervisory Patent Examiner, Art Unit 2874



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/825,776	07/09/2007	Liang-Chy Chien	KNST 200055US01/(KSIJ 294)	8120
7590 FAY SHARPE LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			EXAMINER KIM, ELLEN E	
			ART UNIT 2874	PAPER NUMBER
			MAIL DATE 09/14/2010	DELIVERY MODE PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 14, 2010

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of
CHIEN, LIANG-CHY
Application No. 11/825776
Filed: 07/09/2007
Attorney Docket No. KNST 200055US01

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DECISION ON PETITION
ACCEPTANCE OF COLOR
DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 9, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

Note: Only one set of drawings is required when petition is filed via EFS WEB.

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN TX 78716-0727

MAILED

APR 14 2011

OFFICE OF PETITIONS

In re Application of
Hansen et al.
Application No. 11/825,868
Filed: July 10, 2007
Attorney Docket No. BP3974

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 4, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the Application Data Sheet (ADS) and the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with items (1) and (3) above.

With regards to item (1), when a later-filed application is claiming the benefit of a prior-filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c), the later-filed application must be copending with the prior application or with an intermediate nonprovisional application similarly entitled to the benefit of the filing date of the prior application. Copendency is defined in the clause which requires that the later-filed application must be filed before: (A) the patenting of the prior application; (B) the abandonment of the prior application; or (C) the termination of proceedings in the prior application.

MPEP 201.11(III)(3) states:

If applicant wishes that the pending application have the benefit of the filing date of the first filed application, applicant must, besides making reference to the intermediate

application, also make reference to the first application. See *Sticker Indus. Supply Corp. v. Blaw-Knox Co.*, 405 F.2d 90, 160 USPQ 177 (7th Cir. 1968) and *Hovlid v. Asari*, 305 F. 2d 747, 134 USPQ 162 (9th Cir. 1962). The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

Currently, there is no reference in Application No. 10/973,612 to Application Nos. 10/779,245, 10/778,751 and 10/778,754. Before the instant application can properly claim the benefit of the previous application, a petition under 37 CFR 1.78(a)(3) must be filed in Application No. 10/973,612 to correct the above.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment correcting the above matters, along with a renewed petition under 37 CFR 1.78(a)(3), is required. No further petition fee is necessary.

With regards to item (3), petitioner has not submitted a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Accordingly, before a petition under 36 CFR 1.78(a)(3) can be granted, a renewed petition, along with a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional must be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN TX 78716-0727

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of
Hansen et al.
Application No. 11/825,868
Filed: July 10, 2007
Attorney Docket No. BP3974D1

:
:
: **DECISION GRANTING PETITION**
: **UNDER 37 CFR 1.78(a)(3)**
:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed June 3, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has

been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 2617 for appropriate action on the amendment filed June 3, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/825,868	07/10/2007	2617	1000	BP3974D1	14	2

CONFIRMATION NO. 8367

CORRECTED FILING RECEIPT

51472
GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727



OC00000048174528

Date Mailed: 06/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Christopher J. Hansen, Sunnyvale, CA;
Jason A. Trachewsky, Menlo Park, CA;
R. Tushar Moorti, Mountain View, CA;

Assignment For Published Patent Application

Broadcom Corporation, a California Corporation, Irvine, CA

Power of Attorney: The patent practitioners associated with Customer Number 51472

Domestic Priority data as claimed by applicant

This application is a DIV of 10/973,612 10/26/2004 PAT 7,400,643
which claims benefit of 60/544,605 02/13/2004
and claims benefit of 60/546,622 02/20/2004
and claims benefit of 60/575,954 06/01/2004
and is a CON of 10/779,245 02/13/2004 PAT 7,539,501
and is a CON of 10/778,751 02/13/2004 PAT 7,269,430
and is a CON of 10/778,754 02/13/2004 PAT 7,162,204

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 06/13/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/825,868**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

TRANSMISSION OF WIDE BANDWIDTH SIGNALS IN A NETWORK HAVING LEGACY DEVICES

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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STAAS & HALSEY LLP
1201 NEW YORK AVENUE NW, SUITE 700
WASHINGTON, DC 20005

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Takahide NORINOBU	:	
Application No. 11/826,004	:	DECISION GRANTING PETITION
Filed: July 11, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1614.1656	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 24, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2115 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment of the application.



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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
JUN 10 2011
OFFICE OF PETITIONS

In re Application of :
Lee : **DECISION ON PETITION**
Application No. 11/826,038 :
Filed: July 11, 2007 :
Atty. Dkt. No.: 5545/0489PUS1 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 24, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned October 3, 2007 for failure to timely reply to the Notice to File Missing Parts (Notice) mailed August 2, 2007. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed April 16, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition fails to satisfy requirement (3).

As to item (3), there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (3).

A petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional. Further, the Director may require additional information where there is a question whether the entire delay in question was unintentional." Where, as here, there is a question whether the delay in filing a grantable petition was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). In view of the inordinate delay (more than three years) in resuming prosecution, there is a question whether the entire delay was unintentional.

Any renewed petition must establish that the entire delay, from the time that a reply was due until the filing of a grantable petition, was unintentional. Petitioners may wish to identify the party having the right to reply to avoid abandonment who in turn may explain what effort(s) was made to further reply to the Office action, and, further, why no reply was filed. If no effort was made to further reply, then that party can explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, if practitioner was counsel of record at the time of abandonment, practitioner should explain why this application became abandoned and what efforts were made to timely pursue the petition for revive.

Petitioner may wish to submit supporting documentation to establish that the delay in seeking to resume prosecution has been unintentional as well as statements of fact from those having first hand knowledge of the facts and circumstances surrounding the delay at issue. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See, Lawman Armor v. Simon*, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); *Field Hybrids, LLC v. Toyota Motor Corp.*, 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); *Lumenyte Int'l Corp. v. Cable Lite Corp.*, Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

In view thereof, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450

Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Lee : DECISION ON PETITION
Application No. 11/826,038 :
Filed: July 11, 2007 :
Atty. Dkt. No.: 5545/0489PUS1 :

This decision is in response to the petition under 37 CFR 1.137(b), filed August 4, 2011.

This application became abandoned October 3, 2007 for failure to timely reply to the Notice to File Missing Parts (Notice) mailed August 2, 2007. The Notice set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed April 16, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant application has been carefully reviewed and found in compliance with the provisions of law set forth above.

In view thereof, the petition to revival pursuant to 37 CFR 1.137(b) is hereby **GRANTED**.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEONG C LEI
PMB # 1008
1867 YGNACIO VALLEY ROAD
WALNUT CREEK CA 94598

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Chu	:	
Application No. 11/826,040	:	ON PETITION
Filed: July 11, 2007	:	
Attorney Docket No. CFPA6903-15306	:	
For: STRUCTURE FOR STABILIZING A	:	
CENTER OF GRAVITY OF A REMOTE	:	
CAR BODY	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed July 31, 2007, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on November 1, 2007. A Notice of Abandonment was mailed on April 14, 2008.

Applicant has submitted a proper reply to the July 31, 2007 Notice in the form of the basic filing fee, search fee, examination fee, and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the July 31, 2007 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

Regarding the statement of delay: It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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MUNCY GEISSLER OLDS & LOWE, PLLC
4000 LEGATO ROAD, SUITE 310
FAIRFAX, VA 22033

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of

Andy LIN, et al.

Application No. 11/826,041

Filed: July 11, 2007

Attorney Docket No. **5545/0367PUS1**

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 1, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 2, 2007.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the basic filing fee of \$165, surcharge fee of \$65, search fee of \$270 and examination fee of \$110, (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The address given on the petition differs from the address of record. A change of address maybe necessary and should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 26, 2010.



Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **JOE MCKINNEY MUNCY**
P.O. BOX 1364
FAIRFAX, VA 22038-1364

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

5545/0367PUS1

First named inventor: LIN, Andy

Application No.: 11/826,041

Art Unit: 2161

Filed: 07/11/2007

Examiner:

Title: ACCOUNT NUMBER SECURITY SYSTEM WITH COMMUNICATION SYSTEM

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 810 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of a reply to the Notice to File Missing Parts (identify type of reply):
- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.
- B. The issue fee and publication fee (if applicable) of \$ _____.
- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22303-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Joe McKinney Muncy
Signature

07/26/2010
Date

Joe McKinney Muncy
Typed or printed name

32,334
Registration Number, if applicable

PO Box 1364
Address

703-621-7140
Telephone Number

Fairfax, VA 22038-1364
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 11826041

Total Records Found: 6

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/27/2010	00007065	<u>4</u>	<u>2311</u>	\$110.00	07/26/2010	CC
07/27/2010	00007064	<u>4</u>	<u>2111</u>	\$270.00	07/26/2010	CC
07/27/2010	00007068	<u>4</u>	<u>2453</u>	\$810.00	07/26/2010	CC
07/27/2010	00007066	<u>4</u>	<u>2011</u>	\$165.00	07/26/2010	CC
07/27/2010	00007067	<u>4</u>	<u>2051</u>	\$65.00	07/26/2010	CC
07/19/2007	00000046	<u>1</u>	<u>8021</u>	\$40.00	07/11/2007	DA 501874



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/826,041	07/11/2007	Andy Lin	BHT/3126.744

TROXELL LAW OFFICE PLLC
 SUITE 1404
 5205 LEESBURG PIKE
 FALLS CHURCH, VA 22041

CONFIRMATION NO. 9017
 FORMALITIES
 LETTER

Date Mailed: 08/01/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 150 to complete the basic filing fee for a small entity.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee, or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$565** for a small entity


- **\$150** Statutory basic filing fee.
- **\$65** Surcharge.
- The application search fee has not been paid. Applicant must submit **\$250** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.


Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of :
Chih-Ping Fang :
Application No. 11/826,042 : **DECISION ON PETITION**
Filed: July 11, 2007 :
Attorney Docket No. 5545/0434PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 31, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 1, 2007. The Notice of Abandonment was mailed April 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$165 basic filing fee, the \$65 surcharge, the \$270 search fee and the \$110 examination fee \$810, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Joe McKinney Muncy**
PO Box 1364
Fairfax, VA 22038-1364



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA, VA 22314

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Francis Briand, et al.
Application No. 11/826,111
Filed: July 12, 2007
Attorney Docket No. Serie 7215

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Young & Thompson has been revoked by the assignee of the patent application on December 10, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**BELLUSCIO, DANIEL OSCAR
TALCAHUANO 958 PISO 18 C
CAPITAL FEDERAL / BUENOS AIRES C1013AAT AR ARGENTINA**

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Daniel Oscar Belluscio :
Application No. 11/826,214 : **DECISION ON PETITION**
Filed: July 13, 2007 :
Title: Use Of Human Chorionic Gonadotropin :
Orally For The Treatment Of Overweight :
(Obesity) Associated With High Blood :
Tension, Non-Insulin-Dependent Diabetes, :
Hypercholesterolemia, Dyslipidemias And :
Lipodystrophy :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, April 29, 2010, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on October 30, 2010. A Notice of Abandonment was mailed March 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 13/078,474, filed April 1, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: KIRS3002/FJD

Patent Number: 7663350

Filing Date
(or 371(b) or (f) Date): 2007-07-13

Issue Date: 2010-02-16

First Named
Inventor: Michael Kirst

Title: EXTERNAL ELECTRICAL ENERGY SUPPLY FOR FIELD DEVICE

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /ThomasJMoore/

Date 2010-08-12

Name
(Print/Typed) Thomas J. Moore

Registration Number 28974

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH**
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/18/2010

Applicant	: Michael Kirst	: DECISION ON REQUEST FOR
Patent Number	: 7663350	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/826,235	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **236** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/15/11

TO SPE OF : ART UNIT 1782

SUBJECT : Request for Certificate of Correction for Appl. No.: 11826266 Patent No.: 7572492

CofC mailroom date: 06/22/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-273-3421

Note: _____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



AU 1782

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,761,561 B2
Ser. No. : 11/826,301
Inventor(s) : Muro et al.
Issued : Jul. 20, 2010
Title : SENSOR NET SERVER FOR MIGRATING OR REPLACING SENSOR
NODES
Docket No. : HITA.0996
Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3435 or (703) 756-1814



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**HITACHI AMERICA, LTD. INTELLECTUAL
PROPERTY GROUP
1000 MARINA BLVD., 5TH FLOOR
BRISBANE CA 94005**


In re Patent No. 7,761,561	:	
Issue Date: July 20, 2010	:	
Application No. 11/826,301	:	ON PETITION
Filed: July 13, 2007	:	
Attorney Docket No. HITA.0996	:	

This is a decision on the petition filed July 7, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.


Thurman K. Page
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
Eunsung Seo et al :
Application No. 11/826,311 : DECISION GRANTING PETITION
Filed: July 13, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 249/624 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 16, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 22, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2824 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SONG K. JUNG
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Jin Wook Kwon	:	
Application No.: 11/826,344	:	ON PETITION
Filed: July 13, 2007	:	
Attorney Docket No.: 8736.195.00	:	

This is a decision in response to the petition, filed May 26, 2011, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (Notice), mailed October 13, 2010. The Notice set a period for reply of one (1) month from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 14, 2010.

Petitioner asserts that a review of the file shows that the Notice of October 13, 2010 was not received. Petitioner submits "a 3-month record, October 13, 2010 to January 13, 2011, of our docket report", stating that the Notice would have been docketed "somewhere between page 1 through page 3 of the attached docket report."

A review of the written record indicates no irregularity in the mailing of the Notice on October 13, 2010, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web¹

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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SONG K. JUNG
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006

MAILED

AUG 31 2011

OFFICE OF PETITIONS

In re Application of	:	
Jin Wook Kwon	:	
Application No.: 11/826,344	:	ON PETITION
Filed: July 13, 2007	:	
Attorney Docket No.: 8736.195.00	:	

This is a decision in response to the renewed petition under 37 CFR 1.181, filed August 15, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely reply to a Notice of Non-Compliant Amendment mailed October 13, 2010. A Notice of Abandonment was mailed on May 6, 2011. On May 26, 2011, a petition to withdraw the holding of abandonment under 37 CFR 1.181 was filed; however, the petition was dismissed in a decision mailed June 13, 2011. In response, on August 15, 2011, the present petition was filed.

On reconsideration, petitioner has adequately supported his claim of non-receipt with the evidence provided.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2424 for re-mailing the Notice of Non-Compliant Amendment of October 13, 2010. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

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NOV 19 2010

OFFICE OF PETITIONS

In re Application of :
Chiou-Fu Chang :
Application No. 11/826,378 : **DECISION ON PETITION**
Filed: July 13, 2007 :
Attorney Docket No. 5545/0252PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed August 2, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 3, 2007. A Notice of Abandonment was mailed September 9, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an examination fee of \$110, a search fee of \$270, a basic filing fee of \$165, and a surcharge fee of \$65 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received October 20, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joe McKinney Muncy
P.O. Box 1364
Fairfax, VA 22038-1364



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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of
Guillermo Lao
Application No. 11/826,436
Filed: July 16, 2007
Attorney Docket No. 111325-245100

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Jeffrey L. Costellia on behalf of all attorneys of record who are associated with customer No. 22204. All attorneys/agents associated with the Customer Number 22204 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There is an outstanding Office action mailed May 11, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GUILLERMO LAO
5531 LORNA STREET
TORRANCE, CA 90503

cc: CONTENTGUARD HOLDINGS. INC
222 N. SEPULVEDA BLVD.,
SUITE 1400
EL SEGUNDO, CA 90245



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/826,436	07/16/2007	Guillermo Lao	111325-245100

CONFIRMATION NO. 2389

POWER OF ATTORNEY NOTICE



OC000000043985351

22204
NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

Date Mailed: 10/14/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/10/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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WASHINGTON, DC 20004-2128

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NOV 02 2010

In re Application of

Guillermo LAO, et al.

Application No. 11/826,436

Filed: July 16, 2007

Attorney Docket No.

OFFICE OF PETITIONS

DECISION ON REQUEST FOR
REVOCATION OF POWER
OF ATTORNEY

CORRETED DECISION

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed September 16, 2010.

The request is **APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **REED SMITH LLP**
P.O. BOX 488
PITTSBURGH, PA 15230



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1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED

MAY 23 2011

In re Application of
HUANG et al.
Application No. 11/826,469
Filed: July 16, 2007
Attorney Docket No. TAIW-805

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.78(a)(3)**
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.


The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2891 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.


David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/826,469	07/16/2007	2891	1000	TAIW-805	18	1

CONFIRMATION NO. 2432

CORRECTED FILING RECEIPT



0000000047814941

23995
RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

Date Mailed: 05/23/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Tien-Fu Huang, Hsinchu, TAIWAN;
Shih-Hao Hua, Hsinchu, TAIWAN;
Kuo-Chang Hu, Hsinchu, TAIWAN;

Assignment For Published Patent Application

Industrial Technology Research Institute, Hsinchu, TAIWAN

Power of Attorney:

Allen Wood--28134
Steven Rabin--29102
Robert Berdo Jr--38075
Phillip Avruch--46076

Domestic Priority data as claimed by applicant

This application is a CIP of 11/196,254 08/04/2005 PAT 7,582,913

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)
TAIWAN 095150067 12/29/2006

If Required, Foreign Filing License Granted: 08/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/826,469**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

LED chip having micro-lens structure

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/826,469	07/16/2007	Tien-Fu Huang	TAIW-805	2432
23995	7590	03/06/2012		
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			EXAMINER NARAGHI, ALI	
			ART UNIT 2891	PAPER NUMBER
			MAIL DATE 03/06/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

In re Application of: Huang, et al
Serial No.: 11/826,469
Filed: July 16, 2007

:
: PETITION FOR CORRECTION OF
: INVENTORSHIP
: UNDER 37 CFR § 1.48(a)
:

This is a decision on the petition filed 6 August 2010 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

In view of the papers filed 6 August 2010 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by adding:

Che-wei Su

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Kiesha Bryant/
Kiesha R. Bryant
Supervisory Patent Examiner,
Art Unit 2891



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/826,519	07/16/2007	Jin Zhang	001107.00664	2334
22907 7590 03/16/2011 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER SWOPE, SHERIDAN	
			ART UNIT 1652	PAPER NUMBER
			MAIL DATE 03/16/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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March 16, 2011

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of :
Jin Zhang et al. : **DECISION ON PETITION**
Application No. 11826519 :
Filed: 7/16/2007 :
Attorney Docket No. 001107.00664 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) July 16, 2007.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFS filings), and
3. The specification containing the following language **as the first paragraph in that portion of the specification relating to the brief description of the drawings.**

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/826,519	07/16/2007	Jin Zhang	001107.00664	2334

EXAMINER	
SWOPE, SHERIDAN	

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
05/12/2011	PAPER

7590 05/12/2011
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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May 12, 2011

BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of	:	
Jin Zhang et al.	:	DECISION ON PETITION
Application No. 11826519	:	
Filed: 7/16/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 001107.00664	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 4, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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NIXON PEABODY, LLP
401 NINTH STREET, N.W.
SUITE 900
WASHINGTON, DC 20004

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of
Daniel R. BARAN, et al
Application No. 11/826,559
Filed: July 17, 2007
Attorney Docket No. 002566-003500

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Jeffrey L. Costellia and the attorneys associated with Customer No. 64313, has been revoked by the assignee of the patent application on September 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

/DCG/
/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

Cc: CBS INTERACTIVE INC.
235 SECOND STREET
SAN FRANCISCO CA 94105



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RADER FISHMAN & GRAUER PLLC
LION BUILDING
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WASHINGTON, DC 20036

MAILED

NOV 30 2010

OFFICE OF PETITIONS

In re Application of
Yoshito Terashima
Application No. 11/826,575
Filed: July 17, 2007
Attorney Docket No. SON-3831

ON PETITION

This is a decision on the petition, filed November 29, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 19, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2622 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

NOV 01 2010

OFFICE OF PETITIONS

In re Application of
Huang-Han Chen
Application No. 11/826,698
Filed: July 17, 2007
Attorney Docket No. 5545/0306PUS1

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 2, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 3, 2007. The Notice of Abandonment was mailed April 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$165 basic filing fee, the \$65 surcharge, the \$270 search fee and the \$110 examination fee, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Joe McKinney Muncy**
PO Box 1364
Fairfax, VA 22038-1364



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MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

MAILED

FEB 25 2011

OFFICE OF PETITIONS

In re Application of :
Ging-Chung Chen :
Application No. 11/826,699 : **DECISION ON PETITION**
Filed: July 17, 2007 :
Attorney Docket No. 5545 / 0448PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

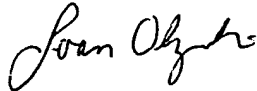
The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 2, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 3, 2007. A Notice of Abandonment was mailed on April 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the \$65.00 Surcharge fee, the \$165.00 Basic filing fee, the \$270.00 Search fee, and the \$110.00 Examination fee; (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in black ink, appearing to read "Joan Olszewski". The signature is fluid and cursive, with the first name "Joan" being more prominent than the last name "Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Guice Patents PLLC
12647 Galveston Court #302
Manassas VA 20112

MAILED
SEP 14 2010
OFFICE OF PETITIONS

In re Application of :
Chih-Cheng Shiue :
Application No. 11/826,821 : **DECISION ON PETITION**
Filed: July 18, 2007 :
Attorney Docket No. 4614-0007 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 6, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 7, 2007. The Notice of Abandonment was mailed April 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$270 search fee, the \$110 examination fee, the \$65 surcharge and the \$165 filing fee, (2) the petition fee of , and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:
Chia-Hsiung Wu	:
Application No. 11/826,825	:
Filed: July 18, 2007	:
Attorney Docket No. 5545/0226PUS1	:
	:
	:
	:

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 6, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 7, 2007. The Notice of Abandonment was mailed April 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the basic filing fee of \$165, the surcharge of \$65, the examination fee of \$110 and the search fee of \$270, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Joe McKinney Muncy**
PO Box 1364
Fairfax, VA 22038-1364



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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of
Todd COLLETTI, et al
Application No. 11/826,829
Filed: July 18, 2007
Attorney Docket No. 002566-038000

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Jeffrey L. Costellia and the attorneys associated with Customer No. 22204, has been revoked by the assignee of the patent application on September 10, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-6735.

/DCG/
/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

Cc: CBS INTERACTIVE INC.
235 SECOND STREET
SAN FRANCISCO CA 94105

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20110825

DATE : August 25, 2011

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.: 7957473

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location 7590 - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/826,906	07/19/2007	Guy Patchornik	39782	4665
7590 04/27/2011 MARTIN D. MOYNIHAN d/b/a PRTSI, INC. P.O. BOX 16446 ARLINGTON, VA 22215			EXAMINER LEE, JAE W	
			ART UNIT 1656	PAPER NUMBER
			MAIL DATE 04/27/2011	DELIVERY MODE PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

April 26, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

Re Application of
PATCHORNIK, GUY
Application: **11/826906**
Filed: **07/19/2007**
Attorney Docket No: **39782**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 19, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK NY 10036

MAILED

NOV 10 2010

OFFICE OF PETITIONS

In re Application of	:	
James T. Dalton et al.	:	DECISION ON STATUS
Application No. 11/826,987	:	UNDER 37 CFR 1.47(a)
Filed: July 19, 2007	:	
Attorney Docket No. P-70059-US	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 22, 2010.

The petition is **GRANTED**.

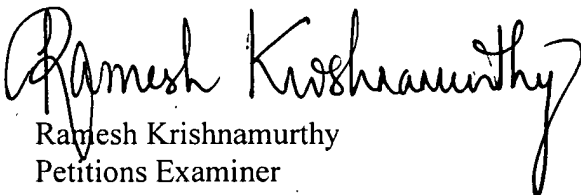
Petitioner has shown that the non-signing inventor cannot be found or reached after diligent effort to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-4914.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

NOV 10 2010

OFFICE OF PETITIONS

Dr. Igor Rakov,
527 Par Drive, #8,
Marion, AR 72364.

In re Application of

James Dalton, Duane Miller, Igor Rakov, Casey Bohl and Michael Mohler

Application No. 11/826,987

Filed: July 19, 2007

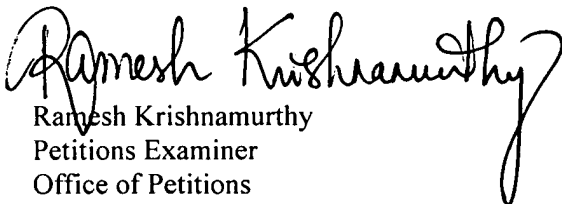
For: SELECTIVE ANDROGEN RECEPTOR MODULATORS, ANALOGS AND DERIVATIVES
THEREOF AND USES THEREOF

Dear Dr. Rakov:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272 - 4914. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Mark S. Cohen
PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY, 12TH FLOOR
NEW YORK, NEW YORK 10036

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/24/2009

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No. 11/827,063: 7,599,813

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Should the change(s)
Be made?

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: The changes are approved.

/Andrew Schechter/
SPE

2857
Art Unit



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P.O. Box 1450
Alexandria, VA 22313-1450
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Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201

MAILED

MAR 14 2011

In re Application of
Alexander J. Cohen et al.
Application No. 11/827,106
Filed: July 9, 2007
Attorney Docket No. QQ1-0103US

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of
Alexander J. Cohen et al.
Application No. 11/827,140
Filed: July 9, 2007
Attorney Docket No. QQ1-0102US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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TOPE-MCKAY & ASSOCIATES
30765 PACIFIC COAST HIGHWAY #420
MALIBU CA 90265

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of
Elijah Sansom et al.
Application No. 11/827,169
Filed: July 10, 2007
Attorney Docket No. CIT033

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under 37 CFR 1.182, filed December 8, 2008, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is being referred to The Office of Data Management for further processing of the application.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(e) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/827,169	07/10/2007	1715	817	CIT033	24	4

CONFIRMATION NO. 9925

CORRECTED FILING RECEIPT



Date Mailed: 03/14/2011

28848
TOPE-MCKAY & ASSOCIATES
30765 PACIFIC COAST HIGHWAY #420
MALIBU, CA 90265

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Elijah Sansom, Pasadena, CA;
Derek Rinderknecht, Arcadia, CA;
Morteza Gharib, San Marino, CA;

Power of Attorney: The patent practitioners associated with Customer Number 28848

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/819,872 07/10/2006

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 03/11/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/827,169**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

METHOD FOR SELECTIVELY ANCHORING LARGE NUMBERS OF NANOSCALE STRUCTURES

Preliminary Class

427

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 23, 2011

TO SPE OF : ART UNIT 1635 - SPE

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/827,199 Patent No.: 7,842,647 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Should the Related Application Data on the title page be amended as requested by applicant? *See COCIN dated 3-2-2011*

Antonio Johnson

**Certificates of Correction Branch
(571)272-0483**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE /Heather Calamita/ Art Unit 1635

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 23, 2011

TO SPE OF : ART UNIT 1635 - SPE

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/827,199 Patent No.: 7,842,674 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Should the Related Application Data on the title page be amended as requested by applicant? *See COCIN dated 3-2-2011*

Antonio Johnson

**Certificates of Correction Branch
(571)272-0483**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE /Heather Calamita/

Art Unit 1635



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DORSEY & WHITNEY LLP - MINNEAPOLIS
ATTENTION: PATENT PROSECUTION DOCKETING DEPARTMENT
INTELLECTUAL PROPERTY PRACTICE GROUP - PT/23RD FL
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN 55402-1498

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Application: :
Jevans et al. :
Application No. 11/827,258 : **NOTICE**
Filed: July 10, 2007 :
Attorney Docket No. PA4308US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 7, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

NOV 07 2011

OFFICE OF PETITIONS

Cozen O'Connor
277 Park Avenue, 20th floor
NEW YORK NY 10172

In re Application of	:	
Yuhua LI et al.	:	ON PETITION
Application No. 11/827,260	:	
Filed: July 11, 2007	:	
Atty. Docket No.: 5507-12	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

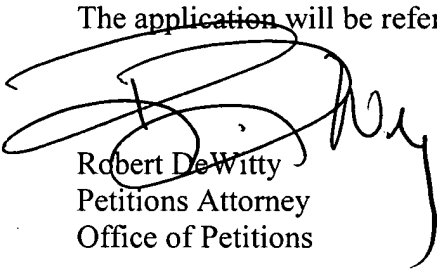
The application became abandoned for failure to reply in a timely manner to the final Office action mailed March 28, 2011 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned June 29, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of Notice of Appeal (and Notice of Appeal fee), (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$280 extension of time fee submitted with the petition on October 17, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 1654.



Robert DeWitty
Petitions Attorney
Office of Petitions

cc: Kent H. Cheng
12 Jackson Street
Cos. Cob. CT 06807



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 10, 2012

JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

Re Application of
MAMOUN, CHOUKRI BEN., Et Al
Application: **11/827282**
Filed: **07/11/2007**
Attorney Docket No: **57885-345096**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 13, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/827,296	07/11/2007	Harry E. Morris III	3460/002	8630

EXAMINER	
STIMPERT, PHILIP EARL	

ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
10/12/2011	PAPER

7590 10/12/2011
Barry I. Friedman, Esq.
Metz Lewis LLC
18th Floor
11 Stanwix Street
Pittsburgh, PA 15222

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of :
Jarrell et al. : DECISION ON PETITION
Application No. 11/827,318 :
Filed: July 11, 2007 :
Atty Docket No. 2003320-0074 :

This is a decision on the PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b) filed March 11, 2011.

The above-identified application became abandoned for failure to timely file an appeal brief. A final Office action was mailed on January 8, 2010. The Office action set a three (3) month shortened statutory period for reply, with extensions of time obtainable under 37 CFR 1.136(a). On July 8, 2010, applicant filed a notice of appeal, made timely by an accompanying petition for extension of time within the third month. However, no appeal brief was timely filed thereafter. Accordingly, by Notice mailed February 28, 2011, applicant was advised that the appeal was dismissed and the application was abandoned.

In response, applicants promptly filed the instant petition. Petitioner seeks revival solely for continuity purposes.

For the following reasons, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

Petitioner requests revival of the above-identified application solely for purposes of continuity. The petition includes the required statement of unintentional delay and payment of the petition fee. However, no continuation application is of record. Petitioner states that one is enclosed, but the undersigned cannot locate such in the records of the Office. The filing of a continuation application is necessary for granting of a petition to revive for continuity.

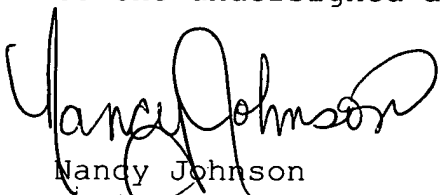
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nandy Johnson". The signature is stylized with a large, looping initial "N" and a cursive "Johnson".

Nandy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

JUN 07 2011

OFFICE OF PETITIONS

In re Application of :
Jarrell et al. : DECISION ON PETITION
Application No. 11/827,318 :
Filed: July 11, 2007 :
Atty Docket No. 2003320-0074 :

This is a decision on the RENEWED PETITION UNDER 37 C.F.R.
§ 1.137(b) AND REQUEST FOR RECONSIDERATION OF DECISION OF
PETITION TO REVIVE filed May 24, 2011.

The renewed petition is **GRANTED**.

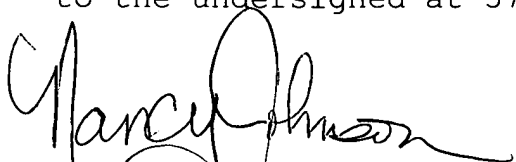
The above-identified application became abandoned for failure to
timely file an appeal brief. By Notice mailed February 28,
2011, applicant was advised that the appeal was dismissed and
the application was abandoned. On March 11, 2011, applicant
filed the initial petition seeking revival solely for continuity
purposes.

By decision mailed April 20, 2011, the petition was dismissed.
The petition included the required statement of unintentional
delay and payment of the petition fee. However, no continuation
application was noted or could be found of record.

On instant renewed petition, applicant identified the
continuation application, U.S. Serial Number 13/046,668 filed
March 11, 2011.

The above-identified application is being revived solely for
purposes of continuity. As continuity has been established by
this decision reviving the application, the application is again
abandoned in favor of the continuation application (No.
13/046,668), received March 11, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" being more prominent and the last name "Johnson" written in a more compact, connected style.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-17-11

TO SPE OF : ART UNIT 1624

Leaser (AU 1622)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/827354 Patent No.: 7576092

CofC mailroom date: 08-11-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

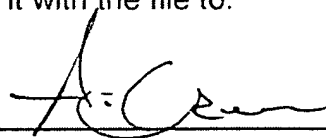
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

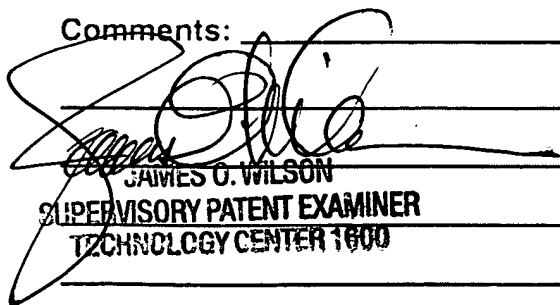
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1624

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/827,382	07/11/2007	Jack C. Griffis III	PRES06-00411	8900
23990 7590 02/18/2011				
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			EXAMINER BLANCO, JAVIER G	
			ART UNIT 3774	PAPER NUMBER
			NOTIFICATION DATE 02/18/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
munckcarter@gmail.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DOCKET CLERK
P.O. DRAWER 800889
DALLAS TX 75380

<i>In re</i> Application of:	:	
GRIFFIS, JACK C. III et al	:	
Serial No.: 11/827,382	:	
Filed: July 11, 2007	:	DECISION ON PETITION TO
Docket: PRES06-00411	:	REVIEW RESTRICTION
Title: SCLERAL PROSTHESIS FOR	:	REQUIREMENT UNDER
TREATING PRESBYOPIA AND OTHER	:	37 CFR 1.144
EYE DISORDERS AND RELATED	:	
DEVICES AND METHODS	:	

This is a decision on the petition filed November 18, 2010 to review the restriction requirement promulgated on July 2, 2010. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

The petition is dismissed as moot.

In his November 18, 2010 petition, petitioner requests the examiner to withdraw the 10-way election of species requirement issued on July 2, 2010 regarding claims directed to ten disclosed different species under 35 USC 121 because the applicant believes that the 10-way election of species requirement does not meet the criteria for a proper restriction. In particular, petitioner argues that the examiner failed to explain and point out any limitations contain in the claims directed to the non-elected species that are mutually exclusive from the claims directed to the elected species based on the supporting specification. Therefore, petitioner opines that there should not be any election of species required. The request of withdrawal of the 10-way election of species requirement in the application should be granted.

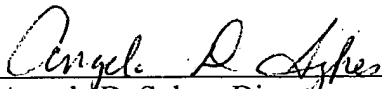
On November 18, 2010, the applicant has filed a Rule 111 amendment to the elected and non-elected claims. In view of the substantive amendment to the independent claims 1, 12, 28, 32 and new claims 38-46 which change the scope of the elected invention as claimed, the original 10-way election of species requirement of July 2, 2010 is no longer applicable. The propriety of the 10-way election of species requirement cannot be decided. The requested relief can not be granted. However, in order to clarify the status of the restriction requirement in view of the Rule 111 amendment filed on November 18, 2010, the examiner is directed in the next Office action to provide a complete election of species requirement based on the current amended claims in

accordance with the provisions of Chapter 800 of MPEP or simply withdraw the 10-way election of species requirement and rejoin those non-elected claims directed to the non-elected species.

After consulting with the examiner, it was agreed that the 10-way election of species requirement of July 2, 2010 should be withdrawn in view of the Rule 111 amendment of November 18, 2010. An Office action on the merits including non-elected claims will follow in due course. The restriction requirement among three patentably distinct Groups I, II and III under MPEP 806.05 remain unchanged. The applicant is entitled to file divisional application(s) based on the non-elected inventions of Group II and III.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3774 for preparation of an Office action in response to the applicant's Rule 111 amendment filed on November 18, 2010 consistent with this decision. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED as MOOT



Angela D. Sykes, Director
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK CA 94025-1105**

**MAILED
SEP 29 2011
OFFICE OF PETITIONS**

In re Application of	:	
ABHYANKER	:	
Application No. 11/827,401	:	DECISION ON PETITION
Filed: July 10, 2007	:	TO WITHDRAW
Attorney Docket No. DMP 0028	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 16, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, the Office requires the practitioner(s) requesting withdrawal to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the response period, that practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40(c).

Petitioner has not complied with items (1) and (3) of the above-identified certifications.

Further, the request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. Any change of address to an attorney or firm must be accompanied by a proper power of attorney.

A review of the Office record does not indicate a power of attorney to the Customer Number indicated on the Request for Withdrawal as Attorney or Agent filed September 16, 2011. In this regard, absent a proper of attorney, the Request cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 27 2010

OFFICE OF PETITIONS

**GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301**

In re Application of	:	
Pierre DEPREZ et al.	:	
Application No. 11/827,407	:	DECISION ON PETITION
Filed: July 10, 2007	:	
Attorney Docket No. 73-10	:	

This is a decision on the petition filed September 20, 2010, under 37 CFR 1.182 to expedite the petition filed September 10, 2010, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed February 19, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats.1988). Since the \$1,110.00 extension of time fee submitted with the petition on September 20, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 1626 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read "Michelle R. Eason", is positioned above the printed name.

Michelle R. Eason
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201

MAILED

MAR 14 2011

In re Application of
Alexander J. Cohen et al.
Application No. 11/827,440
Filed: July 10, 2007
Attorney Docket No. QQ1-0104US

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



10 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306

In re Application of:
WEBSTER et al.
U.S. Application No.: 11/827,446
Filing Date: July 11, 2007
Attorney's Docket No.: 043453-0156
For: POLYMERIC MATERIAL WITH SURFACE
MICRODOMAINS

DECISION

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.178(a)(3) and (a)(6) dated July 08, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed supplemental application data sheet.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a proper reference to the prior-filed applications has been included in the supplemental application data sheet, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that any Filing Receipt includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1785 for appropriate action on the amendment submitted July 08, 2010, including consideration by the examiner of the claim for benefit of the prior-filed applications.



Boris Milef
Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOD R NISSLE
PO BOX 55630
PHOENIX AZ 85078

MAILED

FEB 16 2012

OFFICE OF PETITIONS

In re Application of
Brian L. Hahn
Application No. 11/827,511
Filed: July 12, 2007
Attorney Docket No. 1235-P-1

ON PETITION

This is a decision on the petition filed January 27, 2012, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned March 15, 2011 for failure to file a timely response to the non-Final Office Action mailed December 13, 2010 which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed June 23, 2011.

Petitioner asserts that a response and a request for a three-month extension of time (extending the due date to June 13, 2011), were filed June 13, 2011. Submitted as proof is a copy of a postcard receipt date stamped on June 20, 2011 by the USPTO.

A search of the application file and the USPTO records reveals that in fact, a response, three month extension of time and fee, were timely filed with a June 13, 2011 certificate of mail date, and are of record.

Accordingly, the Notice of Abandonment mailed June 23, 2011 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3695 for treatment of the response filed June 20, 2011 with an June 13, 2011 certificate of mail date.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08-30-2010

TO SPE OF : ART UNIT 1645

SUBJECT : Request for Certificate of Correction for Appl. No: 11/827518 Patent No: 7763420

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (Co f C)
Randolph Square – 9D10-A
Palm Location 7580

Should the 2 references cited be entered?

Eva James

Certificates of Correction Branch

703-756-1583 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

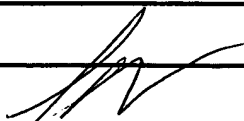
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER



1645

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARD M. WEISZ, ESQ.
COHEN PONTANI LIEBERMAN & PAVANE LLP
SUITE 1210
551 FIFTH AVENUE
NEW YORK NY 10176

MAILED
FEB 10 2011
OFFICE OF PETITIONS

In re Application of :
Brunn, Michael :
Application No. 11/827,619 : **ON PETITION**
Filed: July 12, 2007 :
Attorney Docket No. 4285-7C/CIP :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: LANGLOTZ PATENT AND TRADEMARK WORKS, INC.
P.O. BOX 96503 #37585
WASHINGTON, DC 20090-6503



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/827,726	07/13/2007	Anant Gilra	ADOBB490	1558

61222	7590	10/27/2010
VAN PELT, YI & JAMES LLP AND ADOBE SYS. INCORP.		
10050 N. FOOTHILL BLVD.		
SUITE 200		
CUPERTINO, CA 95014		

EXAMINER	
SAJOUS, WESNER	

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
10/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@ip-patent.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VAN PELT, YI & JAMES LLP AND ADOBE SYS. INCORP.
10050 N. FOOTHILL BLVD.
SUITE 200
CUPERTINO CA 95014

MAIL

OCT 27 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Gilra, Anant
Serial No.: 11/827,726
Filed: July 13, 2007

For: **PROXIMITY BASED TRANSPARENCY OF
WINDOWS AIDING IN OBSCURED
WINDOW SELECTION**

:
:
:
:
:
:
:

DECISION ON PETITION
: *ACCEPTANCE OF COLOR PHOTOGRAPHS*

This is a decision on the petition under filed July 13, 2007, requesting acceptance colored drawings.

The petition requests that the color drawings be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRENDA POMERANCE
LAW OFFICE OF BRENDA POMERANCE
310 WEST 52 STREET
SUITE 27B
NEW YORK, NY 10019

MAILED

JUN 03 2011

OFFICE OF PETITIONS

In re Application of
Michael Gregor Kaplan
Application No. 11/827,754
Filed: July 13, 2007
Attorney Docket No. 1105-4004

ON PETITION

This is a decision on the petition, filed April 8, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Apparently, the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**BRENDA POMERANCE
LAW OFFICE OF BRENDA POMERANCE
310 WEST 52 STREET
SUITE 27B
NEW YORK, NY 10019**

**MAILED
JUL 27 2011
OFFICE OF PETITIONS**

In re Application of
Michael Gregor Kaplan
Application No. 11/827,754
Filed: July 13, 2007
Attorney Docket No. 1105-4004

ON PETITION

This is a decision on the renewed petition, filed July 5, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 11, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The request has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of November 3, 2011, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059.

This application is being referred to Technology Center Art Unit 2455 for examination on the merits.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/827,754	07/13/2007	Michael Gregor Kaplan	1105-4004

24259
BRENDA POMERANCE
LAW OFFICE OF BRENDA POMERANCE
310 West 52 Street
Suite 27B
NEW YORK, NY 10019

CONFIRMATION NO. 2097
NONPUBLICATION RESCISSION
LETTER



Date Mailed: 07/27/2011

**Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 11/03/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/akelley-collier/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/827,789	07/13/2007	Paul J. Troxler	PCCR129839	1411

7590 06/10/2011
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

CARTON, MICHAEL

ART UNIT	PAPER NUMBER
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3748

NOTIFICATION DATE	DELIVERY MODE
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06/10/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 8, 2011

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

In re Application of	:	
Troxler, Paul J.	:	DECISION ON PETITION
Application No. 11/827,789	:	
Filed: 07/13/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. PCCR129839	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 13, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALLAN CHAN
SUITE 700
225 BROADWAY
NEW YORK NY 10007

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of :
Yvonne Crespo :
Application No. 11/827,824 : **DECISION ON PETITION**
Filed: July 13, 2007 :
Title: Cable Organizer :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 13, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 24, 2010. A Notice of Abandonment was mailed July 29, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (2)

With regards to item (2) petitioner has submitted \$800.00 towards the required small entity petition fee of \$810.00 due to insufficient payment by credit card. The shortage of \$10.00 is due from applicant.

Therefore, the rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. **No consideration on the merits can be given to the petition until the required fee is received.**

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
 Commissioner for Patents
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
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**GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK CA 94025-1105**

**MAILED
SEP 29 2011
OFFICE OF PETITIONS**

In re Application of	:	
ABHYANKER	:	
Application No. 11/827,835	:	DECISION ON PETITION
Filed: July 12, 2007	:	TO WITHDRAW
Attorney Docket No. DMP 0031	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 16, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, the Office requires the practitioner(s) requesting withdrawal to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the response period, that practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40(c).

Petitioner has not complied with items (1) and (3) of the above-identified certifications.

Further, the request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. Any change of address to an attorney or firm must be accompanied by a proper power of attorney.

A review of the Office record does not indicate a power of attorney to the Customer Number indicated on the Request for Withdrawal as Attorney or Agent filed September 16, 2011. In this regard, absent a proper of attorney, the Request cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2nd FLOOR
DULUTH GA 30096

MAILED

JUL 26 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of
Andrew R. Blaikie et al.
Application No. 11/827,865
Filed: July 13, 2007
Attorney Docket No: **13142.00**

This is a decision on the petition to withdraw the holding of abandonment, filed July 12, 2011, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on February 17, 2011, for failure to file a timely response to the Final Office Action mailed November 16, 2010, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was sent via email notification on May 26, 2011. Petitioner asserts that the Final Office Action was never received.

The file record discloses that the Office Action was mailed to the address of record which is the same address previously used on all correspondences from the USPTO up to the date the Office Action was mailed. Petitioner has provided a copy of the docket to show that the Office Action mailed November 16, 2010 was not received. Petitioner also explains that after searching the file and docket records, where receipt of the office action would have been indicated if it had been received, it was concluded that no correspondence was received for this matter from the USPTO.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Final Office Action mailed November 16, 2010, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2439 for a re-mailing of the Final Office Action and for a restarting of the period for response.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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Paper No.

WARD & OLIVO
SUITE 300
382 SPRINGFIELD AVENUE
SUMMIT NJ 07901

MAILED
OCT 19 2010
OFFICE OF PETITIONS

In re Application of	:	
Buyanovskiy	:	
Application No. 11/827,921	:	DECISION ON PETITION
Filed: July 12, 2007	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number: 60880-	:	
0003-US01	:	
Title: METHOD AND SYSTEM FOR	:	
ADAPTIVE DIRECT VOLUME	:	
RENDERING	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b)¹, filed on April 16, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed August 5, 2009, which set a shortened statutory period for reply of three months. An after-final amendment was received on February 5, 2010 along with a

¹ A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

three-month extension of time, and an advisory action was mailed on February 24, 2010. No additional extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available, and no further responses were received. Accordingly, the above-identified application became abandoned on February 6, 2010. A notice of abandonment was mailed on March 23, 2010.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further submitted an amendment that has been considered by the Examiner. A communication from the Examiner has been included with this decision.

The first, second, and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.²

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received with the present petition can be processed.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.³

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

Encl. Miscellaneous Office Communication

² See Rule 1.137(d).

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11827921	7/12/2007	BUYANOVSKIY, GEORGIY	60880-0003-US01

WARD & OLIVO
SUITE 300
382 SPRINGFIELD AVENUE
SUMMIT, NJ 07901

EXAMINER

Peter-Anthony Pappas

ART UNIT	PAPER
2621	20100823

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment filed on 4/16/10 is OK to enter upon revival.

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2621



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NAVAIRWD
COUNSEL GROUP (CODE K0000D)
1 ADMINISTRATION CIRCLE, STOP 1009
CHINA LAKE CA 93555-6100

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application of :
Ronald Norman Prussia :
Application No. 11/828,150 : DECISION ON PETITION
Filed: July 25, 2007 :
Attorney Docket No. 98906 :

This is a decision on the petition under 37 CFR 1.183 requesting a waiver to permit a refund of the Time Extension Fees paid March 29, 2011, which has been reconsidered as a petition under 37 CFR 1.181(a) asking the Director to exercise his supervisory authority to refund the Time Extension Fees paid March 29, 2011.

These petitions were filed on March 29, 2011 and are now **dismissed**.

An amendment under 37 CFR 1.111 was filed March 29, 2011 in response to an Office action mailed September 30, 2010. The Office action required a reply within the Shortened Statutory Period of three (3) months. An extension of time pursuant to the provisions of 37 CFR 1.136(a) was available up to the statutory time period of six (6) months. The reply was filed March 29, 2011 with a three (3) month extension of time in the amount of \$1,110.00. Petitioner now requests a refund of the three (3) month extension of time fee paid March 29, 2011 since the Office action mailed September 30, 2010 was allegedly not received and, the petition implies, the response with fee was not due.

37 CFR 1.183 allows for the waiver of a regulation that is not a requirement of the statutes. The petition does not clearly identify a regulation for the Director to waive, but the waiver of an extension of time under 37 CFR 1.136 and the associated fees is discussed. However, 35 USC §§ 41 and 133 require by statute that applicant prosecute the present application within a set period of time after the mailing of an Office action and pay a fee for an extension of time. Therefore, no regulation associated with an extension of time or related fee may be waived under 37 CFR 1.183. Moreover, an extraordinary remedy, such as a waiver, is not entertained when an alternative form of relief is available.

In the present situation, failure to respond to the Office action of September 30, 2010 by December 30, 2010, or by March 30, 2011 with the required extension of time fee, would have resulted in the abandonment of the application. However, if Applicant establishes non-receipt of the Office action in accordance with the standards set forth in MPEP 711.03(c) I.A., no reply to

the Office action or extension of time fee would have been required to avoid the abandonment of the application. Establishing non-receipt of the Office action is pursued through a petition under 37 CFR 1.181.

In regard to the requested refund, refunds are only permitted in the event that a fee is paid by mistake or in excess of that required. See 37 CFR 1.26(a). Here, the extension of time fee of \$1,110.00 was paid to render the reply as timely and avoid abandonment. As the payment of the extension of time fee was both intentional and necessary to avoid abandonment if the Office action was received, the fee was not paid by mistake. However, if the Office action was not received, then no reply to the Office action or extension of time fee was due and the fee payment was in excess of that required. Therefore, grant of the requested refund depends on the non-receipt of the Office action.

In regard to the petition as considered under 37 CFR 1.181 for non-receipt, a review of the written record indicates no irregularity in the mailing of the final Office action. In the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993). This standard must be met even though the mail date of the Office action may be contested.

The petition fails to satisfy all of the above-stated requirements. In this regard, petitioner does state that the Office action was not received and that a search of the file jacket and docket records indicates that the Office action was not received. The petition also included docket records for the above-identified application and two (2) other applications. However, these docket records did not provide a comprehensive showing of all correspondences before the practitioner's office requiring a reply within a specified period such that the record in this application establishes non-receipt at the address of record rather than receipt followed by inadvertently placing the Office action in an incorrect file.

As discussed in MPEP 711.03(c) I.A., a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm, or organization.

That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Since petitioner has not established non-receipt of the Office action, petitioner has not shown that the extension of time fee was in excess of that required. Accordingly, the requested refund cannot be given. Any renewed petition must include the required showing that the Office action mailed September 30, 2010 was not received.

Any questions concerning this decision may be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions



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COUNSEL GROUP (CODE K0000D)
1 ADMINISTRATION CIRCLE, STOP 1009
CHINA LAKE CA 93555-6100

MAILED

SEP 14 2011

OFFICE OF PETITIONS

In re Application of
Ronald Norman Prussia
Application No. 11/828,150
Filed: July 25, 2007
Attorney Docket No. 98906

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181(a), filed July 15, 2011, asking the Director to exercise his supervisory authority to refund the Time Extension Fees paid March 29, 2011.

This petition is **dismissed**.

An amendment under 37 CFR 1.111 was filed March 29, 2011 in response to an Office action mailed September 30, 2010. The Office action required a reply within the Shortened Statutory Period of three (3) months. An extension of time pursuant to the provisions of 37 CFR 1.136(a) was available up to the statutory time period of six (6) months. The reply was filed March 29, 2011 with a three (3) month extension of time in the amount of \$1,110.00. Petitioner requests a refund of the three (3) month extension of time fee paid March 29, 2011 since the Office action mailed September 30, 2010 was allegedly not received and, the original petition implies, the response with fee was not due.

In the present situation, failure to respond to the Office action of September 30, 2010 by December 30, 2010, or by March 30, 2011 with the required extension of time fee, would have resulted in the abandonment of the application. After learning of the outstanding Office action and realizing that a reply was required, a reply and extension of time fee were intentionally submitted on March 29, 2011. The application was not abandoned and remains pending.

The petition decision of June 15, 2011 indicated that if Applicant establishes non-receipt of the Office action in accordance with the standards set forth in MPEP 711.03(c) I.A., then no reply to the Office action or extension of time fee would have been due and the fee payment would have been considered in excess of that required such that the extension of time fee could be refunded. However, this was in error.

The issue here is not whether petitioner received the Office action, rather, it is the actions taken after becoming aware that there was an outstanding Office action. In this case, a response to the

outstanding Office action was filed with an extension of time fee. This response required petitioner to file an extension of time in order for the response to be timely. Therefore, the fee is not considered to be in excess of that required but was precisely the amount required to avoid abandonment. Also, as the payment of the extension of time fee was both intentional and necessary to avoid abandonment if the Office action was received, the fee was not paid by mistake. Accordingly, there is no basis for a refund under 37 CFR 1.26. See MPEP 607.02. Rather than respond to the discovered Office action and pay the extension of time fee, a petition under 37 CFR 1.181 could have been filed at that time demonstrating non-receipt of the Office action and requesting that it be re-mailed with the initiation of the period to respond. However, the chosen course of action was to timely respond rather than assert non-receipt at the relevant time.

Furthermore, 35 USC §§ 41 and 133 require by statute that applicant prosecute the present application within a set period of time after the mailing of an Office action and pay a fee for an extension of time. Therefore, no regulation associated with an extension of time or related fee may be waived under 37 CFR 1.183.

Also, the showing of non-receipt would not be sufficient even if the issue of Office action receipt were relevant for refund purposes. None of the records proffered constitute a master docket report that shows all correspondences received in the organization that were docketed for a date three months from the mail date of the non-received Office action. Moreover, the records proffered are not complete. The records submitted with the renewed petition show only a few of the correspondences due in the organization during a nearly four year period.

Any questions concerning this decision may be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 27, 2010

TO SPE OF : ART UNIT 3743 - SPE Kenneth Rinehart

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/828,188 Patent No.: 7,739,968 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the change in Item (60) Related U.S. Application Data be approved?
See COCIN dated 09-08-2010

Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: CORRECTION INVOLVES CORRECTING
PROVISIONAL APPLICATION NUMBER.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

K. B. Z.

SPE Kew Rindhart Art Unit 5743

SPE

Art Unit



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21771 Stevens Creek Blvd
Ste. 200A
Cupertino CA 95014

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SEP 28 2010

OFFICE OF PETITIONS

In re Application of
Jin-Young CHOI et al.
Application No. 11/828,252
Filed: July 25, 2007
Attorney Docket No. ABS-009 US

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 8, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned in response to the petition under 37 CFR 1.138(d) filed March 31, 2009, requesting express abandonment to obtain a refund. The express abandonment was recognized on April 9, 2009. Accordingly, the above-identified application became abandoned on April 9, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). This petition lacks item (3).

In regard to item (3), the showing of record raises questions as to whether the abandonment of this application was unintentional within the meaning of 35 USC 41(a)(7) and 37 CFR 1.137(b).

MPEP 711.01 states:

The applicant (acquiesced in by an assignee of record), or the attorney/agent of record, if any, can sign an express abandonment. It is imperative that the attorney or agent of record exercise every precaution in ascertaining that the abandonment of the application is in accordance with the desires and best interests of the applicant prior to signing a letter of express abandonment of a patent application. Moreover, special care should be taken to ensure that the appropriate application is correctly identified in the letter of abandonment.

A thorough review of USPTO records shows that: (1) petitioner filed in the above-identified application, on March 31, 2009, a petition for express abandonment under 37 CFR 1.138(d); (2) the Office recognized the express abandonment in the above-identified application on April 9, 2009; (3) in application No. 11/763,122, a petition for express abandonment under 37 CFR 1.138(d) filed on March 31, 2009, was recognized by the Office on April 9, 2009.

Initially it is noted that while petitioner was notified by the Office of the abandoned status of this application on April 9, 2009, no petition to revive the instant application was filed until May 4, 2009. In response, petitioner states in the instant renewed petition, that "[g]iven the workload of all parties involved in the process, the short length of time it took to prepare and file the Petition indicates that the revival of this case was prioritized." Regardless of the communication issues involved, the initial petition to revive was filed *after* the request for express abandonment was recognized.

In the instant renewed petition, petitioner has provided some details regarding the allegedly contradicting instructions from the Korean Law firm concerning the abandonment of the instant application. However, the evidence included in the instant renewed petition does not lead one to reasonably believe that this application was unintentionally abandoned. In this regard, petitioner should note that the filing of a request for an express abandonment, as done here, is an intentional act. 35 U.S.C. § 41(a)(7) applies to the situation of the above-identified application (i.e., to the revival of an abandoned application), however, it precludes the Director from reviving the above-identified application. This is because § 41(a)(7) only authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of \$500 or a fee of \$50 would not be granted where the abandonment or the failure to pay the fee for issuing the patent was intentional as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application, as this application was, is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Commissioner to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional

information where there is a question whether the delay was unintentional." Where there is a question whether the delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989). Here in view of Express Abandonment of record, there is a question whether the entire delay was unintentional.

Where the applicant deliberately permits an application to become abandoned (e.g., due to a conclusion that the claims are unpatentable, that a rejection in an Office action cannot be overcome, or that the invention lacks sufficient commercial value to justify continued prosecution), the abandonment of such application is considered to be a deliberately chosen course of action, and the resulting delay cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pat. 1989). An intentional course of action is not rendered unintentional when, upon reconsideration, the applicant changes his or her mind as to the course of action that should have been taken. See *In re Maldague*, 10 USPQ2d 1477, 1478 (Comm'r Pat. 1988).

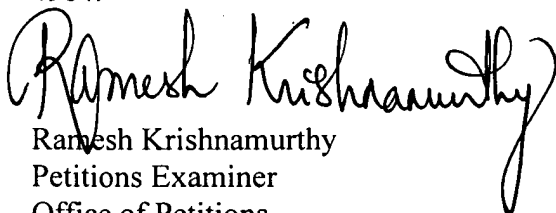
Further correspondence with respect to this matter should be addressed as follows:

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 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4914.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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September 27, 2011

Lynn L. Janulis
Marshall, Gerstein & Borun LLP
233 S. Wacker Drive
6300 Willis Tower
Chicago, IL 60606-6357

Patent No. : 8,008,021 B2
Appl. No. : 11/828,259
Inventor(s) : Jian-Ping Jin
Issued : August 30, 2011
Title : N-TERMINAL TRUNCATION OF CARDIAC TROPONIN SUBUNITS AND THEIR ROLES IN
CARDIOVASCULAR DISEASE
Docket No. : 28493/42238A

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO CA 94303

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Saadat et al. :
Application No. 11/828,267 : DECISION ON PETITION
Filed: July 25, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. VYMDNZ00800 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 29, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the prior-filed application on page one following the first sentence of the specification has been included in an amendment filed July 29, 2011. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same

subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, *supra* at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. See In re deSeversky, *supra*. Note also MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3), is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

¹ Note 37 CFR 1.121



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LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO CA 94303

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of :
Saadat et al. :
Application No. 11/828,267 : DECISION ON PETITION
Filed: July 25, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. VYMDNZ00800 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed September 13, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application as set forth in the Amendment filed July 29, 2011.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 3767 for appropriate action on the Amendment filed July 29, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/828,267	07/25/2007	3767	1266	VYMDNZ00800	50	3

CONFIRMATION NO. 9030

CORRECTED FILING RECEIPT



OC000000050065717

40518
LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

Date Mailed: 09/27/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Vahid SAADAT, Saratoga, CA;
Sekhar S. Rao, Austin, TX;

Assignment For Published Patent Application

Voyage Medical, Inc., Campbell, CA

Power of Attorney: The patent practitioners associated with Customer Number 40518

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/821,117 08/01/2006
and is a CIP of 11/259,498 10/25/2005 PAT 7,860,555

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 08/09/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/828,267**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

DELIVERY OF BIOLOGICAL COMPOUNDS TO ISCHEMIC AND/OR INFARCTED TISSUE

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of
Beer, Peter
Application No. 11/828,289
Filed: July 25, 2007
Attorney Docket No. QM000013

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to 68038 was revoked by the Assignee of the patent application on July 2, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JOHN S. ECONOMOU
202 MAMARONECK AVE., THIRD FLOOR
WHITE PLAINS NY 10601



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 10, 2012

In re Application of :

Yen-Yi Wu

Application No : 11828351

Filed : 26-Jul-2007

Attorney Docket No : ASEG-007-00US 307632-2027

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2012

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 23419 . All attorneys/agents associated with Customer Number 23419 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Advanced Semiconductor Engineering, Inc.
Name2 c/o Foley & Lardner
Address 1 975 Page Mill Road
Address 2
City Palo Alto
State CA
Postal Code 94304
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11828351	
Filing Date	26-Jul-2007	
First Named Inventor	Yen-Yi Wu	
Art Unit	2815	
Examiner Name	FANG-XING JIANG	
Attorney Docket Number	ASEG-007-00US 307632-2027	
Title	Semiconductor package and semiconductor device	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23419		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner	
Address	975 Page Mill Road	
City	Palo Alto	
State	CA	
Postal Code	94304	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/828,397	07/26/2007	Nobuyuki Matsumoto	302310US2RD	9276
22850 7590 08/01/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER THIRUGNANAM, GANDHI	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 08/01/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
MATSUMOTO, NOBUYUKI, et al
Application No. **11/828,397**
Filed: **July 26, 2007**
For: **SUPER-RESOLUTION DEVICE AND
METHOD**
Attorney Docket Number: **302310US2RD**

DECISION ON PETITION

This is a decision on the petition, filed July 19, 2011, under 37 CFR 1.181(a)(3) for consideration of references included with an Information Disclosure Statement filed July 26, 2007.

A review of the application file reveals that the information disclosure listing submitted on July 26, 2007, has been considered by the examiner. An initialed Form PTO-1449 was mailed July 14, 2011. Attached to this decision is a copy of the Form PTO-1449 with the initialed indication that the references have been considered.

Accordingly, Petitioner's request is **Dismissed as Moot**.

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

/ Daniel Swerdlow /

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

Enclosure: Initialed Form PTO-1449

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-18-11

TO SPE OF : ART UNIT 1762

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/828642 Patent No.: 7897678

CofC mailroom date: 05-11-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Angela Green
Certificates of Correction Branch
(703) 756-1541

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE



Art Unit

1762



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PHILIP S JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re	: DECISION ON APPLICATION
Runco, et al.	: FOR PATENT TERM ADJUSTMENT
Application No. 11/828,652	: AND NOTICE OF INTENT
Filed: July 26, 2007	: TO ISSUE
Patent No. 7,887,541	: CERTIFICATE OF CORRECTION
Issued: February 15, 2011	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d) AFTER PATENT ISSUANCE", filed April 14, 2011). Patentees request that the patent term adjustment under 35 U.S.C. 154(b) be corrected from eighty-six (86) days to one hundred seventy-five (175) days.

The application for patent term adjustment is **GRANTED**.

The Patent Term Adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **one hundred seventy-five (175) days**.

On July 19, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the instant application. The Notice stated that the patent term adjustment (PTA) to date was two hundred six (206) days. On October 18, 2010, Applicants filed a "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT", which was a candor letter indicating that the 206 days of patent term accorded was thought to be longer than appropriate by 31 days. On February 15, 2011, the application issued into Patent No. 7,887,541, with a patent term adjustment of eighty-six (86) days.

A review of the file reveals that Applicants were assessed delay of one hundred twenty (120) days for filing the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT" on October 18, 2010. Pursuant to 37 C.F.R. § 1.704(e), the submission of an application for patent term adjustment will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application. Likewise, the submission of a candor letter will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application. Accordingly, zero (0) days should have been assessed for this filing.

Furthermore, a review of the file reveals that Applicants should have been assessed additional delay pursuant to 37 CFR 1.704(c)(8). Applicants filed an RCE on February 23, 2010. Subsequently, Applicants filed an IDS on March 26, 2010. Accordingly, thirty-one (31) days of applicant delay should have been assessed under 37 CFR 1.704(c)(8) for the filing of this supplemental paper.

In view thereof, the correct determination of patent term adjustment is one hundred seventy-five (175) days (215 days of PTO delay, reduced by 40 (9+31) days of applicant delay).

The \$200 fee has been charged to Deposit Account No. 10-0750, as authorized. Petitioner's request for waiver of this fee is dismissed, as the fee is required for the Office's consideration of the application for patent term adjustment.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction, indicating a Patent Term Adjustment of **one hundred seventy-five (175) days**.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Anthony Knight
Director
Office of Petitions

Enclosure: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,887,541 B2

DATED : February 15, 2011

INVENTOR(S) : Runco et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 86 days.

Delete the phrase "by 86 days" and insert – by 175 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 7, 2011

In re Application of :

Gerry Ouellette

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11828675

Filed : 26-Jul-2007

Attorney Docket No : 4221.1000-021

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 7, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3734 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11828675	
Filing Date	26-Jul-2007	
First Named Inventor	Gerry Ouellette	
Art Unit	3734	
Examiner Name	KATHERINE DOWE	
Attorney Docket Number	4221.1000-021	
Title	DELIVERY SYSTEMS FOR DELIVERING AND DEPLOYING STENT GRAFTS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Mary K. Murray/
Name	Mary K. Murray
Registration Number	47813

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

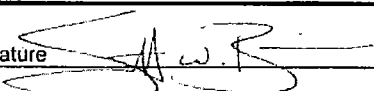
Nonprovisional Application Number or Control Number (if applicable): 11/828,745	Patent Number (if applicable):
First Named Inventor: Satoru Almi	Title of Invention: Remote Input Device and Electronic Apparatus U

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
 - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date <u>3/22/11</u>
Name (Print/Typed) Scott W. Brim	Practitioner Registration Number 51,500
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 5, 2010

TO SPE OF : ART UNIT 2431 - SPE William Korzuch

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/828,754 Patent No.: 7,797,746 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Antonio Johnson

Should the changes to the claims be approved as requested by applicant?
See COCIN dated 09-17-2010

Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved IN WHOLE**

All changes apply.

☐ **NOT ~~Approved in Part~~**

~~Specify below which changes do not apply.~~

☐ **NOT ~~Denied~~**

~~State the reasons for denial below.~~

Comments: This COCIN correctly reflects the record. This COCIN correctly shows the final results of the file history regarding amendments.

SPE /William Korzuch/ Art Unit 2431

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 5, 2010

TO SPE OF : ART UNIT 2431 - SPE William Korzuch

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/828,754 Patent No.: 7,797,746 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

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Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the changes to the claims be approved as requested by applicant?
See COCIN dated 09-17-2010

Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved IN WHOLE**

All changes apply.

☐ **NOT ~~Approved in Part~~**

~~Specify below which changes do not apply.~~

☐ **NOT ~~Denied~~**

~~State the reasons for denial below.~~

Comments: This COCIN correctly reflects the record. This COCIN correctly shows the final results of the file history regarding amendments.

SPE /William Korzuch/ **Art Unit** 2431

Notice of References Cited	Application/Control No. 11/828,847	Applicant(s)/Patent Under Reexamination LI VOLSI, NICOLA	
	Examiner Jeffrey S. Steinberg	Art Unit 2629	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,380,686	04-2002	Kim et al.	315/169.2
*	B	US-7,042,425	05-2006	Yamaguchi et al.	345/76
*	C	US-7,728,577	06-2010	Yu et al.	324/76.83
*	D	US-5,432,526	07-1995	Hyatt, Gilbert P.	345/87
*	E	US-7,468,717	12-2008	Hudson, Edwin Lyle	345/98
*	F	US-2007/0132674	06-2007	Tsuge, Hitoshi	345/077
*	G	US-2008/0238950	10-2008	Saglam, Yavuz S.	345/690
*	H	US-2002/0005826	01-2002	Pederson, John C.	345/82
*	I	US-2006/0007111	01-2006	Moon et al.	345/102
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/828,895	07/26/2007	Annette M. Brenner	GP-307393-FCA-CHE	1134
65798 7590 03/10/2011 MILLER IP GROUP, PLC GENERAL MOTORS CORPORATION 42690 WOODWARD AVENUE SUITE 200 BLOOMFIELD HILLS, MI 48304			EXAMINER DAVIS, PATRICIA A	
			ART UNIT 1729	PAPER NUMBER
			MAIL DATE 03/10/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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3/10/11

el

Mailed :
In re application of
Annette M. Brenner
Serial No. 11/828895
Filed: July 26, 2007
For: MITIGATION OF MEMBRANE DEGRADATION BY MULTILAYER ELECTRODE

:
:
: DECISION ON
: PETITION
:

This is a decision on the PETITION UNDER 37 CFR 1.144 TO WITHDRAW THE RESTRICTION REQUIREMENT mailed November 17, 2010 and made final in the office action mailed December 14, 2010.

On November 17, 2010, a three way species requirement was made by the examiner. Applicant traversed the species requirement in a response filed November 30, 2010. The examiner repeated the species requirement in an office action mailed December 14, 2010 and made the species requirement final.

On December 28, 2010, the instant petition under 37 CFR 1.144 was filed to formally request the withdrawal of the species requirement.

Applicant's position for the withdrawal of the species requirement is that the requirement is improper and that Office has failed to establish serious search burden.

DECISION

In the species requirement mailed November 17, 2010, there are three species listed. The requirement states that the first species is drawn to a membrane electrode assembly comprising an anode side multi-layer catalyst configuration, which reads on claims 1-11. The second species is drawn to a membrane electrode assembly comprising a cathode side multi-layer catalyst configuration, which reads on claims 12-17. And, the last species is drawn is to a membrane electrode assembly comprising both a cathode and an anode side multi-layer catalyst configurations, which reads on claims 18-20.

However, after a careful review of the originally filed claims and the mailed species requirement, it is found that the species requirement issued is improper. It is found that the examiner has failed to establish that serious burden would be imposed on the examiner for the examination of all three identified species. This lack of serious burden finding is substantiated by the

examination of the elected claims, claims 1-11 in the office action mailed December 14, 2010. Independent claim 1 is directed to a membrane electrode assembly comprising an anode side multi-layer catalyst configuration, which is consistent with the species requirement. However, claim 7, which depends on claim 1, also requires that the membrane electrode assembly to comprise a cathode side multi-layer catalyst configuration. Claim 7 recites the second species. In the instant case, because search and examination have been conducted for both species, the examiner has failed to establish that serious burden exists for the examination of both species. The same holds true for the third species. The examination of claim 7 also resulted in the examination of the third species, membrane electrode assembly comprising both a cathode and an anode side multi-layer catalyst configurations. In the absence that a serious burden would be imposed on the examiner for the examination of all three cited species, the species requirement is deemed improper.

Accordingly, the petition to withdraw the restriction requirement is **Granted**. The application is being forward to the examiner to issue an office action on all three species.

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

MILLER IP GROUP, PLC
GENERAL MOTORS CORPORATION
42690 WOODWARD AVENUE
SUITE 200
BLOOMFIELD HILLS MI 48304



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SHELL OIL COMPANY
P O BOX 2463
HOUSTON TX 77252-2463

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of :
Claire ANSELL et al. :
Application No. 11/828,929 : DECISION ON PETITION
Filed: July 26, 2007 :
Attorney Docket No. TS7661 (US) :

This is a decision on the petition, filed March 24, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Final Office action of September 14, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before December 14, 2010.

Petitioner states that a timely reply was filed via facsimile on February 14, 2011 which included a Request for Reconsideration, an RCE and a two (month) extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated February 14, 2011 and a copy of the auto-reply facsimile transmission from the Office, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:


- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of September 09-14-10 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on February 14, 2011.

This application is being referred to Technology Center AU 1775 for appropriate action in the normal course of business on the reply received with petition.


Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **PAUL MORRIS**
THE MORRIS LAW FIRM, P.C.
P.O. BOX 420787
HOUSTON, TX 77042--078



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Albert BIRNER , et al.	:	
Application No. 11/828,944	:	DECISION GRANTING PETITION
Filed: July 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. INF 2007 P 50671 US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 16, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834**

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
De Villiers et al.	:	
Application No. 11/829,056	:	DECISION ON PETITION
Filed: July 26, 2007	:	TO WITHDRAW FROM RECORD
Attorney Docket No. 022031-003110US	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 10, 2011 the power of attorney to Kilpatrick Townsend & Stockton LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NOV 23 2011

OFFICE OF PETITIONS

SMITH RISLEY TEMPEL SANTOS LLC
TWO RAVINIA DRIVE
SUITE 700
ATLANTA GA 30346

In re Application of
Asaf Weisbrot et al.
Application No. 11/829,082
Filed: July 26, 2007
Attorney Docket No. 06001.1180

ON PETITION

This is a decision on the petition, filed November 9, 2011, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

In response to a Final Office Action mailed July 7, 2010, a Notice of Appeal and Pre-appeal Brief Request for Review were filed on September 27, 2010. An Appeal Brief would have been due within two months of the filing of the Notice of Appeal on September 27, 2010, however, the Notice of Panel Decision from Pre-Appeal Brief Review mailed November 24, 2010 advised that the time period for filing the appeal brief would be reset to be one month from the mailing of the decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. An Appeal Brief was filed February 11, 2011 although without an extension of time. A Communication Re: Appeal was mailed February 17, 2011 advising that the Appeal Brief filed February 11, 2011 was untimely. Thereafter, a Notice of Abandonment was mailed October 27, 2011.

Petitioner argues however that to make the filing of the Appeal Brief timely, a three month extension of time was filed March 16, 2011.

A search of the application file and the USPTO records reveals that in fact, the Appeal Brief was filed February 11, 2011 and a three month extension of time fee was paid and properly posted on March 16, 2011. Accordingly, the response was timely and the Notice of Abandonment mailed October 27, 2011 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

All other requirements having been met, this matter is being referred to Technology Center 2493 for review of the Appeal Brief filed February 11, 2011.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MOTOROLA MOBILITY, INC.
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
MAY 03 2011
OFFICE OF PETITIONS

In re Application of :
STRATER, et al :
Application No. 11/829,134 : **DECISION ON PETITION**
Filed: July 27, 2007 :
Attorney Docket No. BCS04332 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before March 30, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 30, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 31, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

The issue and publication fees were charged to Deposit Account No. 50-5278, as authorized.

The Request for Continued Examination (RCE) filed with the petition dated March 31, 2011, is acknowledged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-2400.

The application is being referred to Technology Center Art Unit 2464 for processing of the RCE.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED
MAR 23 2011
OFFICE OF PETITIONS

In re Application of
Kim, et al.
Application No. 11/829,166
Filed/Deposited: 27 July, 2007
Attorney Docket No. 21C0459US

DECISION

This is a decision on the petition filed on 17 February, 2011, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (drawings requirement) mailed on 1 November, 2010, with required reply due under a non-extendable deadline on or before 1 February, 2011. (A supplemental Notice was mailed on 9 November 2010, to address priority claims.)

The application went abandoned by operation of law after midnight 1 February, 2011.

The Office mailed the Notice of Abandonment on 16 February, 2011.

On 17 February, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, that no drawings were required. However, the 1 November, 2010, Notice expressly state at Item 5 that drawings were required—and the additional notation at Item 5(a)(1) states “including,” and not “limited to.” Thus, even if Petitioner believed the Notice to be in error, Petitioner was required to provide some response to Item 5 of the Notice. Petitioner does not get to ignore elements of an Office action that Petitioner believes to be in error. Petitioner must reply.

Thus, it is clear that Petitioner has not satisfied and may not be able to satisfy the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP).

With regard to Petitioner’s request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.¹

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely filing:

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous

¹ See: MPEP §711.03(c)(I)(A).

timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.²

If Petitioner is unable to comply with and/or otherwise satisfy these requirements, Petitioner may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that:

- the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)); and
- those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to inquire and disclose.³

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

² See: MPEP §711.03(c) (I)(B).

³ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 11/829,166

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Application No. 11/829,166

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The Office mailed the Notice of Abandonment on 14 October, 2010.

disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Kim, et al. :
Application No. 11/829,166 : **DECISION**
Filed/Deposited: 27 July, 2007 :
Attorney Docket No. 21C0459US :

This is a decision on the petition filed on filed on 29 March, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

Following the 23 March, 2011, dismissal of his petition pursuant to 37 C.F.R. §1.181—wherein the Office found, *inter alia*, that Petitioner ignored the express written requirements (for drawings) at Item 5 of the 1 November, 2010, Notice of Allowance/Allowability and Fees Due—Petitioner chose to re-argue the matter rather than simply to file his petition pursuant to 37 C.F.R. §1.137(b).

In so doing, Petitioner not only elected to pour into the record at least an additional forty-one (41) pages of materials—including copies of several papers already of record—but also sought to report into the record the substance of conversations averred to have taken place with Office personnel.

This latter action, as Petitioner—who is registered to practice before the Office—well knows, is inappropriate because it is contrary to the Rules of Practice.

In particular, all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP).

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Application No. 11/829,166

Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) and/or inaction(s).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (drawings requirement) mailed on 1 November, 2010, with required reply due under a non-extendable deadline on or before 1 February, 2011. (A supplemental Notice was mailed on 9 November 2010, to address priority claims.)

The application went abandoned by operation of law after midnight 1 February, 2011.

The Office mailed the Notice of Abandonment on 16 February, 2011.

On 17 February, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, that no drawings were required. However, the 1 November, 2010, Notice expressly state at Item 5 that drawings were required—and the additional notation at Item 5(a)(1) states “including,” and not “limited to.” Thus, even if Petitioner believed the Notice to be in error, Petitioner was required to provide some response to Item 5 of the Notice. Petitioner was reminded that one does not get to ignore elements of an Office action that Petitioner believes to be in error. Petitioner must reply. Because Petitioner had not complied with the showing as discussed in the guidance in the Commentary at MPEP §711.03(c)(I). The petition was dismissed on 23 March, 2011.

On 29 March, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of drawings, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).³ The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.⁴))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

⁴ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 21 2011

PCT LEGAL ADMINISTRATION

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

In re Application of:	:	
TERENTIEV, Alexandre, N.	:	
U.S. Application No.: 11/829,194	:	DECISION ON PETITION UNDER
Filing Date: July 27, 2007	:	37 CFR 1.78(a)(3)
Attorney's Docket No.: 642-001 CONT.	:	
For: MIXING BAG OR VESSEL WITH A	:	
FLUID-AGITATING ELEMENT	:	

This is a decision on the "PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY CLAIM" filed on December 28, 2010, considered herein under 37 CFR 1.78(a)(3). The petition seeks to add to the present application a benefit claim directed to prior-filed U.S. non-provisional application number 11/496,702.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(3) is appropriate where, as here, an application was filed on or after November 29, 2000 and, after the expiration of the time period specified in 37 CFR 1.78(a)(2)(ii), the applicant seeks to add a benefit claim under 35 U.S.C. 120 directed to a prior-filed U.S. non-provisional application.

A grantable petition under 37 CFR 1.78(a)(3) must include the following:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

The present petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that: (1) a proper reference identifying the present application as a continuation-in-part of prior-filed U.S. application number 11/496,702 was included in the amendment to the first sentence of the specification filed with the petition on December 28, 2010; (2) applicants have submitted payment of the required surcharge; and (3) the petition includes an acceptable statement of unintentional delay. Accordingly, having found that the petition for acceptance of the unintentionally delayed benefit claim under 35 U.S.C. 120 to the prior filed U.S. non-provisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is appropriately granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the Filing Receipt accompanying this decision on petition will include the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to prior-filed U.S. non-provisional application number 11/496,702, accompanies this decision.

Any questions concerning this decision may be directed to Richard M. Ross at (571) 272-3296. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1797 for examination and for appropriate consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed U.S. non-provisional application.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
(571) 272-3296

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Eli Weiss, Esq.
Oakwood Law Group, LLP
14 Bond Street -- SUITE 386
Great Neck NY 11021

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of :
Jianhao Meng :
Application No. 11/829,308 : **DECISION ON PETITION**
Filed: July 27, 2007 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fee on or before August 3, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 3, 2011. Accordingly, the date of abandonment of this application is August 4, 2011. The Notice of Abandonment was mailed August 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300 (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 3, 2011

TO SPE OF : ART UNIT 1744

SUBJECT : Request for Certificate of Correction for Appl. No. 11/829326 patent No.: 7854876 B2

C of C mailroom date: 04-27-11

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

571-272- 0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE

1744
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

AUG 09 2010

In re Application of :
Giordano Pizzi :
Application No. 11/829,331 :
Filed: July 27, 2007 :
Attorney Docket No. 34106-516-US1 :
OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 9, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 28, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU2833 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHNADER HARRISON SEGAL & LEWIS, LLP
1600 MARKET STREET
SUITE 3600
PHILADELPHIA, PA 19103

MAILED
APR 05 2011
OFFICE OF PETITIONS

In re Application	:	
Kordina et al.	:	
Application No. 11/829,375	:	DECISION ON PETITION
Filed: July 27, 2007	:	TO WITHDRAW
Attorney Docket No. 3869/8US-A	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2008.

The request is **DISMISSED** because it is moot.

A review of the file record indicates that Schnader, Harrison, Segal & Lewis, LLP, was revoked as attorney of record by the applicant on October 20, 2008, by the applicant. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: OLIFF & BERRIDGE, PLC
SUITE 2350 CHARLOTTE PLAZA
201 SOUTH COLLEGE STREET
CHARLOTTE, NC 28244



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
James T. Koo :
Application No. 11/829,450 : DECISION GRANTING PETITION
Filed: July 27, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 6257-32903 :

This is a decision on the petitions filed September 16, 2011, under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee. This is also a decision on the petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the Application Data Sheet (ADS) filed with the petition.

The petitions are **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 19, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

As to the petition under 37 CFR § 1.78(a)(3):

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed September 16, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed application set forth in the concurrently filed ADS.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed application. While a reference to the prior-filed nonprovisional applications was not included in an Application Data Sheet (ADS) or in the first

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(2)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(3).¹ In the present case, the Office noted the claim for priority to the prior-filed application in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the \$1,410 petition fee submitted is unnecessary. Applicants may request a refund of the petition fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany the request.

Petitioner should be aware that a Supplemental ADS should be identified as a "Supplemental Application Data Sheet". Note 37 CFR 1.76(c)(2).

Any questions concerning this decision on petition may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114 and for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to prior-filed Application No. 10/964,456, filed October 12, 2004.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ Note MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.



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OFFICE OF PETITIONS

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P.O. BOX 398
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In re Application of :
James T. Koo :
Application No. 11/829,450 : **DECISION ON REQUEST FOR REFUND**
Filed: July 27, 2007 :
Attorney Docket No. 6257-32903 :

This is a decision on the Request For Refund filed November 8, 2011.

The request is **GRANTED**.

Applicants filed the above request for refund and states that "A Decision Granting Petition Under 37 CFR 1.313(c)(2) mailed by the Office of Petitions on September 19, 2011, indicated that the petition fee was unnecessary and that Applicant may request a refund of the petition fee."

In view of the above, the request for refund is granted. The petition fee of \$1,410.00 is being credited to deposit account no. 50-1505 as authorized.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
11/829,453	07/27/2007	Stuart Smith	33849-124	1177								
30903 7590 10/19/2011 CRAIN, CATON & JAMES FIVE HOUSTON CENTER 1401 MCKINNEY, 17TH FLOOR HOUSTON, TX 77010			<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">HARRISON, CHANTE E</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2628</td><td></td></tr></table>		EXAMINER		HARRISON, CHANTE E		ART UNIT	PAPER NUMBER	2628	
EXAMINER												
HARRISON, CHANTE E												
ART UNIT	PAPER NUMBER											
2628												
			<table border="1"><tr><td>NOTIFICATION DATE</td><td>DELIVERY MODE</td></tr><tr><td>10/19/2011</td><td>ELECTRONIC</td></tr></table>		NOTIFICATION DATE	DELIVERY MODE	10/19/2011	ELECTRONIC				
NOTIFICATION DATE	DELIVERY MODE											
10/19/2011	ELECTRONIC											

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

wjensen@craincaton.com
jHUDSON@craincaton.com
ipdocket@craincaton.com



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CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

In re Application of
SMITH, STUART
Application No. 11/829,453
Filed: July 27, 2007
For: **SYSTEMS AND METHODS FOR IMAGING A
VOLUME-OF-INTEREST**

**DECISION ON PETITIONS
UNDER 37 CFR 1.59**

This is a response to the petition under 37 CFR 1.59(b), filed March 14, 2011 to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex Parte Quayle* action or a Notice of Abandonment, at which time the petitions will be decided.

Petitioner requests that the material submitted on March 14, 2011 be expunged from the record. Petitioner states that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material", with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified documents are considered to be "material". If the information is not considered by the examiner to be material, the information will be expunged.

The documents in question will not be available to the public during prosecution.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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SYNTHON IP INC
P.O. BOX 1364
FAIRFAX VA 22038-1364

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
WESTHEIM	:	
Application No. 11/829,482	:	DECISION ON PETITION
Filed: July 27, 2007	:	
Attorney Docket No. SYN-0087	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before January 4, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 4, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 5, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and publication fee of \$300; (2) the petition fee of \$1620; and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **02/24/11**

TO SPE OF : ART UNIT: **1625 Attn: ANDRES JANET L (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/829531** Patent No.: **7858621**

CofC Mailroom date: **02/15/11**

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

**/Janet L. Andres/
SPE**

**1625
Art Unit**



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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS, CO 80528

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Sundar Vasudevan et al	:	
Application No. 11/829,593	:	ON PETITION
Filed: July 27, 2007	:	
Attorney Docket No. 200700634-1	:	

This is a decision on the petition, filed August 13, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 9, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/16/2011
TO SPE OF : ART UNIT 1621 Sullivan Daniel (SPE)
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/829745 Patent No.: 7468392
CofC mailroom date: 3/9/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

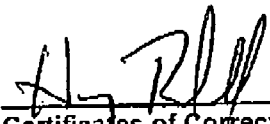
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square -- 9D10-A
Palm Location 7580



Certificates of Correction Branch
703-756-1571

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ Approved

All changes apply.

☐ Approved in Part

Specify below which changes do not apply.

☒ Denied

State the reasons for denial below.

Comments:

The correction requested by Applicant changes the scope of the claims.

/Susanna Moore/
acting SPE au1621

DATE:
3/7/2012

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/29/10

Paper No.:

TO SPE OF : ART UNIT 2852

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/829,746 Patent No.: 7,756,449 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: All changes approved and apply

/David M. Gray/ SPE 2852

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket
Number: 3026034 (68270US.02)

Application
Number: 11/829,793

Filing Date
(or 371(b) or (f) Date): July 27, 2007

Patent Number: 7,663,211

Issue Date: February 16, 2010

First Named
Inventor: Jonathan A. Noquil

Title: DUAL SIDE COOLING INTEGRATEED POWER DEVICE PACKAGE AND MODULE WITH A CLIP ATTACHED TO A LEADFRAME IN THE METHODS OF MANUFACTURE

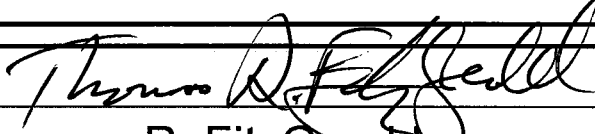
PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature



Date August 13, 2010

Name
(Print/Typed)

Thomas R. FitzGerald

Registration Number 26,730

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER, NY 14604-2404

Mail Date: 08/23/2010

Applicant	: Jonathan A. Noquil	: DECISION ON REQUEST FOR
Patent Number	: 7663211	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/829,793	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : February 8, 2012

TO SPE OF : ART UNIT 3744

SUBJECT : Request for Certificate of Correction for Appl. No.: 11829832 Patent No.: 7946120

CofC mailroom date: Feb. 3, 2012

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Cheryl J. Tyler/

3744

SPE

Art Unit



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ROSSI, KIMMS & MCDOWELL LLP
20609 GORDON PARK SQUARE, SUITE 150
ASHBURN VA 20147

MAILED

SEP 03 2010

In re Application of	:	OFFICE OF PETITIONS
Koichi Hasegawa et al	:	
Application No. 11/829,895	:	DECISION ON REQUEST FOR REFUND
Filed: July 28, 2007	:	
Attorney Docket No. KASA-0033	:	

This is a decision on the Request For Refund filed August 25, 2010.

The request is **DISMISSED**.

A Restriction Requirement Office action was mailed on February 8, 2010, in the above application. No response has been filed.

Applicant states that "The application should have gone abandoned due to Applicants' failing to respond to the Restriction Requirement." Applicants further states that "Since no examination on the merits has been performed, applicants request that the search fee be refunded."

Petitioner should be advised that the application became abandoned by operation of law on March 9, 2010, for failing to reply in a timely manner to the Office action mailed February 8, 2010.

The request for refund of the search fee (\$500.00) is dismissed because applicant cannot obtain a refund of such fee except as provided in 37 CFR 1.26. An examination had been made of the application and an Office action was rendered on February 8, 2010. Therefore, a refund of the search fee is not in order at this time.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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MAILED

OCT 06 2010

OFFICE OF PETITIONS

LEVINE BAGADE HAN, LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

In re Application of
Qibing Pei, et al.
Application No. 11/829,916
Filed: July 29, 2007
Attorney Docket No. SRINNA11201

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Levine Bagade Han, LLP has been revoked by the assignee of the patent application on September 8, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272- 1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOLLAND & KNIGHT, LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

MAILED

DEC 20 2010

In re Application of
Byron Johnson
Application No. 11/830,038
Filed: July 30, 2007
Attorney Docket No. 111587.00003

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed November 18, 2010.

The request is **APPROVED**.

The request was signed by Elizabeth R. Burkhard on behalf of herself and all attorneys/agents associated with Customer Number 54975. Therefore, Elizabeth R. Burkhard and all the attorneys/agents associated with Customer Number 54975 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed on August 13, 2010 that requires a reply from the applicant.

All future communications from the Office will be directed to the sole inventor at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

cc: Byron K. Johnson
9859 S. Van Vliissingen
Chicago, IL 60617



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HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116-3889

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Byron Johnson :
Application No. 11/830,045 :
Filed: July 30, 2007 :
Attorney Docket No. 111587.00005 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Elizabeth R. Burkhard on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Byron K. Johnson at the address indicated below.

There is an outstanding Office action mailed September 20, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Byron K. Johnson**
9859 S. Van Vliissingen
Chicago, IL 60617



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/830,045	07/30/2007	Byron Johnson	111587.00005

CONFIRMATION NO. 2210

POWER OF ATTORNEY NOTICE



OC000000044796041

Date Mailed: 12/03/2010

54975
HOLLAND & KNIGHT LLP
10 ST. JAMES AVENUE
BOSTON, MA 02116-3889

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/18/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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MAY 16 2011

OFFICE OF PETITIONS

K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

In re Patent No. 7,896,734
Kaminkow, et al.
Issue Date: March 1, 2011
Application No. 11/830,079
Filed: July 30, 2007
Atty Docket No. **3718611-04376**

: DECISION ON REQUEST
: FOR
: RECONSIDERATION OF
: PATENT TERM ADJUSTMENT
: and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on April 18, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred and twenty-five (325) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred and twenty-five (325) days is **GRANTED**.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office is in receipt of the \$200.00 for the fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by three hundred and twenty-five (325) days.

Patent No. 7,896,734 Application No. 11/830,079 Page 2

Telephone inquiries specific to this matter should be directed to the undersigned, at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,896,734 B2

DATED : Mar. 1, 2011

INVENTOR(S) : Kaminkow, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (207) days

Delete the phrase “by 207 days” and insert – by 325 days--



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K&L Gates LLP
P.O. Box 1135
Chicago IL 60690

MAILED

APR 11 2012

OFFICE OF PETITIONS

In re Application of :
LANCASTER et al. : DECISION ON PETITION
Application No. 11/830,163 :
Filed: July 30, 2007 :
Attorney Docket No. 3718611-04397 :

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705(b), filed March 23, 2012, requesting that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected to three hundred thirty-seven (337) days.

The petition to correct the initial Determination of Patent Term Adjustment is **GRANTED to the extent indicated herein.**

The Office has updated the PALM and PAIR screens to reflect that the corrected Patent Term Adjustment (PTA) Determination at the time of the mailing of the Notice of Allowance is three hundred eight (308) days. A copy of the updated PAIR screen, showing the corrected determination, is enclosed.

Applicants disclose that the Office should have entered a period of reduction of 42 days pursuant to 37 CFR 1.704(c)(8) for the filing of a second Information Disclosure Statement on October 30, 2008.

The record reveals that applicants submitted Information Disclosure Statements on September 18, 2008 and October 30, 2008, after filing a proper reply to the non-final Office action on September 3, 2008. The record does not support a conclusion

that the examiner expressly requested the filing of either Information Disclosure Statement. Further, a review of the Information Disclosure Statements, filed September 18, 2008 and October 30, 2008, reveals that applicants did not include a statement under 37 CFR 1.704(d).¹ The Office entered a period of reduction of 15 days under 37 CFR 1.704(c)(8) for the filing of the first Information Disclosure Statement on September 18, 2008. However, the Office did not enter a period of reduction for the filing of the second Information Disclosure Statement on October 30, 2008.

A review of the record shows that a period of reduction under 37 CFR 1.704(c)(8) for the filing of the second Information Disclosure Statement on October 30, 2008, is warranted. As the periods of reductions for the filing of the Information Disclosure Statements overlap, an additional period of reduction of 42 days (from September 19, 2008 to October 30, 2008) will be entered. The Office thanks applicants for their candor.

Additionally, the application history reveals that the Office should have entered a period of reduction under 37 CFR 1.704(b) for the filing of a reply on December 12, 2007, more than three months from the mailing date of the Notice to File Missing Parts of Nonprovisional Application on August 13, 2007.

Pursuant to 37 CFR 1.704(b), the period of adjustment should have been reduced by 29 days, counting the number of days in the period beginning on the day after the date that is three months after the date of mailing of the Notice to File Missing Parts, November 14, 2007, and ending on the date the reply was filed, December 12, 2007. Accordingly, a period of reduction of 29 days will be entered.

¹ Pursuant to 37 CFR § 1.704(d):

A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

In view thereof, the Determination of Patent Term Adjustment at the time of the mailing of the Notice of Allowance is 308 days (521 days of Office delay - 213 days of applicant delay).

The Office acknowledges the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of updated PALM screen

11/830,163	GAMING SYSTEM WITH BLACKJACK PRIMARY GAME AND POKER SECONDARY GAME	3718611-04397	04-09- 2012::16:25:40
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 11/830,163

Filing or 371(c) Date:	07-30-2007	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	521
A Delays:	521	PTO Manual Adjustments:	-71
B Delays:	0	Applicant Delays:	142
C Delays:	0	Total PTA Adjustments:	308

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
113	04-09-2012	Adjustment of PTA Calculation by PTO		42	0
112	04-09-2012	Adjustment of PTA Calculation by PTO		29	0
101	12-27-2011	Mail Notice of Allowance	409		91
100	12-20-2011	Office Action Review			0
99	12-20-2011	Office Action Review			0
98	12-20-2011	Issue Revision Completed			0
97	12-20-2011	Document Verification			0
96	12-20-2011	Notice of Allowance Data Verification Completed			0
95	12-19-2011	Reasons for Allowance			0
94	12-19-2011	Allowability Notice			0
93	07-15-2010	Date Forwarded to Examiner			0
92	07-13-2010	Amendment Submitted/Entered with Filing of CPA/RCE			0
91	07-13-2010	Request for Continued Examination (RCE)			0
90	07-15-2010	Disposal for a RCE / CPA / R129			0
89	07-13-2010	Workflow - Request for RCE - Begin			0
88	07-09-2010	Email Notification			0
87	07-09-2010	Mail Examiner Interview Summary (PTOL - 413)			0
86	07-01-2010	Examiner Interview Summary Record (PTOL - 413)			0

85	04-13-2010	Electronic Review		0
84	04-13-2010	Email Notification		0
83	04-13-2010	Mail Final Rejection (PTOL - 326)	12	73
82	04-09-2010	Final Rejection		0
78	01-13-2010	Information Disclosure Statement considered		0
77	12-01-2009	Information Disclosure Statement considered		0
76	01-13-2010	Electronic Information Disclosure Statement	43	73
75	01-13-2010	Information Disclosure Statement (IDS) Filed		0
74	01-08-2010	Date Forwarded to Examiner		0
73	12-01-2009	Response after Non-Final Action	27	67
72	12-01-2009	Request for Extension of Time - Granted		0
71	12-01-2009	Electronic Information Disclosure Statement		0
70	12-01-2009	Information Disclosure Statement (IDS) Filed		0
69	08-04-2009	Electronic Review		0
68	08-04-2009	Email Notification		0
67	08-04-2009	Mail Non-Final Rejection		0
66	07-31-2009	Non-Final Rejection		0
62	06-17-2009	Information Disclosure Statement considered		0
61	07-09-2009	Paralegal TD Not accepted		0
60	07-09-2009	Paralegal TD Not accepted		0
59	06-17-2009	Electronic Information Disclosure Statement		0
58	06-19-2009	Date Forwarded to Examiner		0
57	06-17-2009	Amendment Submitted/Entered with Filing of CPA/RCE		0
56	06-19-2009	Date Forwarded to Examiner		0
55	06-17-2009	Request for Continued Examination (RCE)		0

54	06-19-2009	Disposal for a RCE / CPA / R129		0
53	06-17-2009	Information Disclosure Statement (IDS) Filed		0
52	06-17-2009	Workflow - Request for RCE - Begin		0
51	06-04-2009	Email Notification		0
50	06-04-2009	Mail Examiner Interview Summary (PTOL - 413)		0
49	05-18-2009	Examiner Interview Summary Record (PTOL - 413)		0
47	04-13-2009	Electronic Review		0
46	04-13-2009	Email Notification		0
45	04-13-2009	Mail Final Rejection (PTOL - 326)	100	34
44	04-08-2009	Final Rejection		0
40	09-18-2008	Information Disclosure Statement considered		0
39	09-03-2008	Information Disclosure Statement considered		0
38	10-30-2008	Information Disclosure Statement considered		0
37	10-30-2008	Information Disclosure Statement (IDS) Filed		0
36	09-18-2008	Electronic Information Disclosure Statement	15	34
35	10-15-2008	Date Forwarded to Examiner		0
34	09-03-2008	Response after Non-Final Action	57	23
33	09-18-2008	Electronic Information Disclosure Statement		0
32	09-03-2008	Reference capture on IDS		0
31	09-03-2008	Request for Extension of Time - Granted		0
30	09-03-2008	Information Disclosure Statement (IDS) Filed		0
29	09-18-2008	Reference capture on IDS		0
28	09-18-2008	Information Disclosure Statement (IDS) Filed		0
27	09-18-2008	Information Disclosure Statement (IDS) Filed		0
26	09-03-	Information Disclosure Statement (IDS) Filed		0

	2008		
25	04-09-2008	Electronic Review	0
24	04-08-2008	Email Notification	0
23	04-08-2008	Mail Non-Final Rejection	0
22	03-31-2008	Non-Final Rejection	0
21	03-28-2008	Email Notification	0
20	03-27-2008	PG-Pub Issue Notification	0
19	02-20-2008	Reference capture on IDS	0
18	02-20-2008	Information Disclosure Statement (IDS) Filed	0
14	02-20-2008	Information Disclosure Statement considered	0
13	03-18-2008	Case Docketed to Examiner in GAU	0
12	02-20-2008	Information Disclosure Statement (IDS) Filed	0
11	01-29-2008	IFW TSS Processing by Tech Center Complete	0
10	12-21-2007	Application Dispatched from OIPE	0
9	12-18-2007	Email Notification	0
8	12-17-2007	Sent to Classification Contractor	0
7	12-18-2007	Filing Receipt - Updated	0
6	12-12-2007	Payment of additional filing fee/Preexam	0
5	12-12-2007	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
4	08-13-2007	Notice Mailed--Application Incomplete--Filing Date Assigned	0
3	07-31-2007	Cleared by OIPE CSR	0
2	07-30-2007	IFW Scan & PACR Auto Security Review	0
1	07-30-2007	Initial Exam Team nn	0
0.5	07-30-2007	Filing date	0

Close Window



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/830,192	07/30/2007	Akiko FUJIUCHI	312779US2	2438
22850	7590	10/20/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER VO, QUANG N	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 10/20/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
FUJIUCHI, AKIKO et al.	:	DECISION ON REQUEST TO
Application No. 11/830,192	:	PARTICIPATE IN PATENT
Filed: July 30, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 312779US2	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 23, 2010 and supplemented on October 6, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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**MARK J. ITRI
MCDERMOTT WILL AND EMERY
18191 VON KARMAN AVE
IRVINE, CA 92612**

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Trey Ratcliff	:	
Application No. 11/830,345	:	DECISION ON PETITION
Filed: July 30, 2007	:	TO WITHDRAW
Attorney Docket No. 083233-0018	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed February 4, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Mark J. Itri does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Mark J. Itri not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed January 20, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: MCDERMOTT, WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096



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MCDERMOTT, WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Trey Ratcliff	:	
Application No. 11/830,345	:	DECISION ON PETITION
Filed: July 30, 2007	:	TO WITHDRAW
Attorney Docket No. 083233-0018	:	FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 21, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Mark J. Itri and McDermott Will & Emery LLP customer number 31824 do not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Mark J. Itri and McDermott Will & Emery LLP customer number 31824 not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the instant application became abandoned on April 21, 2011 for failure to timely respond to the Office action mailed January 20, 2011. The Office will not decide requests to withdraw from representation as practitioner of record which are filed after the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). As such, any renewed Request to Withdraw as Attorney will not be treated on the merits, but will only be placed in the application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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ROBERT W. BECKER
& ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS NM 87059-7507

MAILED

AUG 24 2010

In re Application of	:	OFFICE OF PETITIONS
Godde, et al.	:	
Application No. 11/830,428	:	DECISION
Filed/Deposited: 30 July, 2007	:	
Attorney Docket No. 2709US	:	

This is a decision on the petition filed on 13 August, 2010, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements, supporting documentation and a copy of the reply).

Petitioner failed to make the showing required.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly, to the final Office action mailed on 12 January, 2010, with reply due absent extension of time on or before 12 April, 2010.

On 12 March, 2010, Petitioner filed, *inter alia*, an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply¹ if it did not *prima facie* place the application in condition for allowance, and on 23 March, 2010, the Examiner mailed an Advisory Action.

On 12 May, 2010, Petitioner filed, *inter alia*, a request and fee for a one- (1-) month extension of time (and it appears that on deposit of the application Petitioner authorized charges to a deposit account) with a second amendment after final, which the Examiner refused to enter and which Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply² if it did not *prima facie* place the application in condition for allowance, and on 21 May, 2010, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 12 May, 2010.

On 16 July, 2010, Petitioner filed a third amendment after final—however the application already stood abandoned—and the Examiner refused to enter the after-final and Petitioner, as one registered to practice before the Office, knew was not as of right and not a proper reply³ if it did not *prima facie* place the application in condition for allowance, and the application already stood abandoned.

The Office mailed the Notice of Abandonment on 19 July, 2010.

On 19 July, 2010, for reasons that are not apparent in the record, Petitioner filed a Notice of Appeal and fee and a request and fee for “a two-month extension of time to April 27, 2007 (sic).” However, as discussed above, the final Office action was mailed on 12 January, and:

- The maximum extendable statutory period elapsed after midnight (Monday) 12 July, 2010; and

¹ A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

² A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

³ A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

- As indicated above, the application stood abandoned after midnight 12 May, 2010.

On 13 August, 2010, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, timely reply with the Notice of Appeal and fee. As illustrated by the chronology set forth above, it appears that Petitioner failed to make the showing as required.

Accordingly, Petitioner failed to satisfy the showing requirement, as discussed below. Petitioner is directed to the appropriate guidance (MPEP §711.03(c)(I)). To prevail herein on a petition pursuant to 37 C.F.R. §1.181 Petitioner **must** comply with that guidance.

With regard to a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely reply:

[The regulations at] 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the

correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.⁴

In the instant matter, Petitioner appears not to comply with and/or otherwise satisfy these requirements.

Should Petitioner wish to revive the application: Petitioner must properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation **must** be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.⁵

⁴ See: MPEP §711.03(c) (I)(B).

⁵ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner must properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c).

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Petitioner's failure to file timely such a petition may be considered *indicia* of delay other than that which is unintentional.

Further correspondence with respect to this matter should be addressed as follows:

Application No. 11/830,428

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT W. BECKER
& ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS NM 87059-7507

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of :
Godde, et al. :
Application No. 11/830,428 : DECISION
Filed/Deposited: 30 July, 2007 :
Attorney Docket No. 2709US :

This is a decision on the petition filed on 8 September, 2010, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly, to the final Office action mailed on 12 January, 2010, with reply due absent extension of time on or before 12 April, 2010.

On 12 March, 2010, Petitioner filed, *inter alia*, an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply¹ if it did not *prima facie* place the application in condition for allowance, and on 23 March, 2010, the Examiner mailed an Advisory Action.

¹ A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

On 12 May, 2010, Petitioner filed, *inter alia*, a request and fee for a one- (1-) month extension of time (and it appears that on deposit of the application Petitioner authorized charges to a deposit account) with a second amendment after final, which the Examiner refused to enter and which Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply² if it did not *prima facie* place the application in condition for allowance, and on 21 May, 2010, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 12 May, 2010.

On 16 July, 2010, Petitioner filed a third amendment after final—however the application already stood abandoned—and the Examiner refused to enter the after-final and Petitioner, as one registered to practice before the Office, knew was not as of right and not a proper reply³ if it did not *prima facie* place the application in condition for allowance, and the application already stood abandoned.

The Office mailed the Notice of Abandonment on 19 July, 2010.

On 19 July, 2010, Petitioner filed a Notice of Appeal and fee and a request and fee for “a two-month extension of time to April 27, 2007 (sic).” However, as discussed above, the final Office action was mailed on 12 January; the maximum extendable statutory period elapsed after midnight (Monday) 12 July, 2010, and the application stood abandoned after midnight 12 May, 2010.

On 13 August, 2010, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, timely reply with the Notice of Appeal and fee. As illustrated by the chronology set forth above, it appears that Petitioner failed to make the showing as required. The petition was dismissed on 24 August, 2010.

On 9 September, 2010, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, timely reply with the Notice of Appeal and fee—with a notation that the certificate of transmission was signed and dated on 12 July, 2010, and that the Office was authorized to charge any fee deficiencies—to correct to a three- (3-) month extension of time Petitioner’s erroneous request/fee submission of a two- (2-) month extension of time—to Petitioner’s Deposit Account No 02-1653. The Office now has done so.

Accordingly, Petitioner sought to satisfy the showing requirement, as discussed below.

² A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

³ A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

With regard to a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely reply:

[The regulations at] 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the

Application No. 11/830,428

correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.⁴

Petitioner is reminded that his reply in the form of an Appeal Brief and fee are due pursuant to the regulations at 37 C.F.R. Part 41, and specifically consistent with those at 37 C.F.R. §41.37. Petitioner must consult the regulations at 37 C.F.R. §41.31 as to specification of provisions for any extension of time in this regard.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation **must** be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.⁵

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears to have made the showing required.

⁴ See: MPEP §711.03(c) (I)(B).

⁵ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

CONCLUSION


Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **granted** and 19 July, 2010, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center/AU 3679 to await Petitioner's filing of his Appeal Brief with fee in due course.

Once again, Petitioner is reminded that his reply in the form of an Appeal Brief and fee are due pursuant to the regulations at 37 C.F.R. Part 41, and specifically consistent with those at 37 C.F.R. §41.37. Petitioner must consult the regulations at 37 C.F.R. §41.31 as to specification of provisions for any extension of time in this regard.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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MARSH, FISCHMANN & BREYFOGLE LLP
8055 EAST TUFTS AVENUE
SUITE 450
DENVER, CO 80237

MAILED

AUG 3 0 2010

In re Application of
Christian Rocken, et al.
Application No. 11/830,437
Filed: July 30, 2007
Attorney Docket No.: 50139-00016

OFFICE OF PETITIONS
ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182, filed July 9, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

Since the requisite petition fee was paid with the original petition on April 20, 2010, the \$400 fee submitted with the present petition is being credited to petitioner's deposit account.

This application is being referred to Technology Center AU 2618.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/830,437	07/30/2007	2618	1300	50139-00016	43	6

CONFIRMATION NO. 2825

CORRECTED FILING RECEIPT



25231
MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver, CO 80237

Date Mailed: 08/25/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Christian Rocken, Boulder, CO;
Sergey V. Sokolovskiy, Longmont, CO;

Power of Attorney: The patent practitioners associated with Customer Number 25231

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/820,915 07/31/2006

Foreign Applications

If Required, Foreign Filing License Granted: 08/25/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/830,437**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

METHOD AND SYSTEM FOR DEMODULATION OF OPEN-LOOP GPS RADIO OCCULTATION SIGNALS

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of :
Alan M. Fogelman et al :
Application No. 11/830,497 :
Filed: July 30, 2007 :
Attorney Docket No. UCLAP018C1/2005-751-3 :

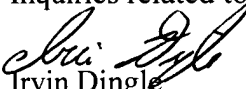
NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2350
MILWAUKEE WI 53202-4426

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of

Rowley, et al.

Application No. 11/830,551

Filed: July 20, 2007

Attorney Docket No. **700798.00020**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed December 14, 2011.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application was held abandoned on March 28, 2010, after it was believed that no response was received to the non-final Office action mailed December 27, 2010. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on November 28, 2011, indicating that a reply to the notice was not received.

A review of the application file record did reveal that a response to the non-final Office action with twice rejected claims was filed on June 27, 2011, with a request for an extension of time within the third month. The response was a Notice of Appeal and fee. Thereafter, a Request for Continued Examination, submission, and fee were filed on January 26, 2012, with a request for an extension of time within the fifth month. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the statutory period for reply to the non-final Office action and within the allowable period after the filing of the Notice of Appeal. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 3600, GAU 3643, for further processing, including processing of the Request for Continued Examination filed January 26, 2012. Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

JAN 05 2012

OFFICE OF PETITIONS

In re Application of	:	
Xie et al.	:	
Application No. 11/830,581	:	DECISION ON PETITION
Filed: July 30, 2007	:	PURSUANT TO
Patent No. 7,796,371	:	37 C.F.R. § 1.28(c)
Issued: September 14, 2010	:	
Attorney Docket No.: 049411-	:	
0352	:	
Title: INTEGRATED CAPACITIVE	:	
MICROFLUIDIC SENSORS METHOD AND	:	
APPARATUS	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 5, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

- (a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along

- with the current fee amount for a non-small entity;
- (b) The small entity fee actually paid, and when;
 - (c) The deficiency owed amount (for each fee erroneously paid); and
 - (d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, the deficiency owed amount, when the small entity fee was actually paid, and the total deficiency payment owed.

Petitioner has not identified the current fee amount for a non-small entity or the small entity fee that was actually paid.

The requirement that Petitioner must provide the Office with the current fee amount for a non-small entity or the small entity fee that was actually paid is waived, *sua sponte*.

The deficiency payment in the amount of \$755.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this patent, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to the address which appears on the petition. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this patent unless Change of Correspondence Address, Patent Form (PTO/SB/123) is submitted for the above-identified patent. For Petitioner's convenience, a

blank Change of Correspondence Address, Patent Form (PTO/SB/123), may be found at <http://www.uspto.gov/web/forms/sb0123.pdf>.

If appropriate, a change of fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A blank fee address form may be found at <http://www.uspto.gov/web/forms/sb0047.pdf>.

It is not apparent whether the person signing the statement which asserts that small entity status was established in good faith was in a position to have firsthand or direct knowledge of the facts and circumstances of the establishment of small entity status. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such establishment. In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the establishment of small entity status was not made in good faith, Petitioner must notify the Office.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



Paul Shanoski
Senior Attorney
Office of Petitions

cc: BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03-02-12

TO SPE OF : ART UNIT 3716

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/830635 Patent No.: 8021230

CofC mailroom date: 02-21-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

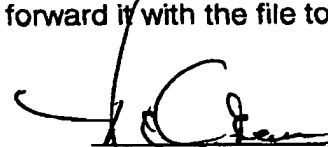
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: The following corrections have been denied.

Claim 1, col. 90, line 44 after "determine" add -- and select--

The above text could not be found at the cited locations

Claim 4, col. 91, line 9 replace "medium" with -- mediums --

Claim 4, col. 91, line 9 replace "game" with "games" -- Have been already amended as indicated.

SPE

Art Unit



3716



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date : April 1, 2011

Patent No. : 7820784
Ser. No. : 11/830675
Inventor(s) : Fogelman et al
Issued : October 26, 2010
Title : ORALLY ADMINISTERED PEPTIDES SYNERGIZE STATIN ACTIVITY

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (see *Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A.** the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B.** a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C.** a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Electronic Filing uspto.gov/ebc/index.html
(must be registered as an e-filer)
Support 1-866-217-9197 571-272-4100

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



For Mary Diggs
Decisions & Certificates
of Correction Branch

(703) 756-1580 or (571) 272-9005

Weaver, Austin Villeneuve & Sampson LLP
P.O. Box 70250
Oakland, CA 94612-0250

/arg



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Application of :
Alan M. FOGELMAN et al. :
Application No. 11/830,687 : **NOTICE UNDER 37 CFR. 1.28(c)**
Filed: July 30, 2007 :
Attorney Docket No. UCLAP001BX1C5 :


This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.


Thurman K. Page
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 04/10/12

TO SPE OF : ART UNIT 1759

SUBJECT : Request for Certificate of Correction for Appl. No.: 11830770 Patent No.: 8105476

CofC mailroom date: 03/27/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes be made in the Title?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

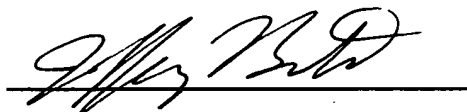
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Changes to title are approved.



Jeffrey Barton

SPE

1759

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of :
Kun Zhou, et al. :
Application No. 11/830,794 : DECISION GRANTING PETITION
Filed: July 30, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MS1-3615US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 16, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2128 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 4, 2011

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:	
Nathan Andrew Shapira et al.	:	DECISION ON PETITION
Application No. 11830906	:	
Filed: 7/31/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 43560	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) August 3, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

December 19, 2011

Patent No.: 8,032,146 B2
Applicant : Chenxi Zhu, et al.
Issued : October 4, 2011
For : **RADIO RESOURCE MANAGEMENT IN MULTIHOP RELAY NETWORKS**
Docket No. : 1634.1027

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Respecting the alleged error in Column 13, line 33, Claim 5, delete "second relay" and insert --rely second--. The patent is printed in accordance with the record in the Patent and Trademark Office, as passed to issued by the examiner. Claim 5 (Original Claim 8) is printed as shown in the allowed amendment of claims dated March 22, 2011. There being no fault on the part of the Patent and Trademark Office, it has no authority to issue a certificate of correction under the provision of 1.322.

In view of the foregoing, your request for certificate of correction is hereby denied. However, further consideration will be given these matters, upon receipt of a request for certificate of correction under the provisions of 1.323, accompanied by the appropriate fee which is presently \$100.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Antonio Johnson
(571)272-0483
For Mary F. Diggs, Supervisor
Decisions & Certificates of Correction Branch
(703) 756-1580

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005



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AQUILLA PATENTS & MARKS PLLC
221 COE HILL ROAD
CENTER HARBOR NH 03226-3605

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Rossi	:	
Application No. 11/830,965	:	ON PETITION
Filed: July 31, 2007	:	
Attorney Docket No. RAJ-101	:	
For: PARACHUTE CANOPY PACKING	:	
SLEEVE AND METHOD OF USE	:	

This is a decision on the petition under 37 CFR 1.181, filed May 16, 2011, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office asserted the application became abandoned for failure to properly respond to the Notice of Non-Compliant Amendment (37 CFR 1.121) ("Notice") within 30 days/1 month of its July 21, 2010 mailing date. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. A reply was received in the Office on June 22, 2010; however, the reply was lacking, as will be explained below. Accordingly, the Office contended the application became abandoned on August 22, 2010.

Petitioner first argues that because a timely response was filed within one month of the mailing of the July 22, 2010 Notice, that the holding of abandonment should be withdrawn.

37 CFR 1.121. Manner of making amendments in application, provides in pertinent part:

(a) Amendments in applications, other than reissue applications. Amendments in applications, other than reissue applications, are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made.

...

(d) Drawings : One or more application drawings shall be amended in the following manner:
Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet ". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one

figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet ". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

MPEP 714 D. Amendment to the Drawing further elaborates: The replacement or new sheet of drawings must be an attachment to the amendment document and must be identified in the top margin as "Replacement Sheet."

An explanation of the changes made must be presented in the "Amendments to the Drawings" or the remarks section of the amendment document.


The July 22, 2010 reply was insufficient because it lacked an amendment document and it was not signed, as is required by 37 CFR 1.33(b).

Applicant next argues if the amendment drawings filed on July 22, 2010 was deemed to be non-responsive, then applicant should have received notice to such effect. Since applicant did not receive notice, applicant request that the abandonment be withdrawn and the amendment, filed July 22, 2010 be entered in the application.

As discussed above, no amendment was filed on July 22, 2010, so nothing can be entered at this point. However, because the July 22, 2010 filing is *bona fide* but contains a serious omission, the examiner should have notified applicant that the omission must be supplied within the time period for reply 37 CFR 1.135 and MPEP 714.03. A new Notice of Non-Compliant Amendment noting the drawing error should have been sent by the Office. Applicant did not have reason to believe there was a problem requiring action on his part. The petition is granted, the holding of abandonment is hereby withdrawn, and the March 16, 2011 Notice of Abandonment is hereby vacated.

After the mailing of this decision, the application will be referred to Technology Center G.A.U. 3644 for the mailing of a Notice of Non-Compliant Amendment with a 30 day/ 1 month period set for reply. The forthcoming filing should include all of the desired amendments, not just the replacement drawings.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED
JUL 01 2011
OFFICE OF PETITIONS

In re Application of :
Luan C. Tran :
Application No. 11/831,012 : DECISION ON PETITION
Filed: July 31, 2007 :
Attorney Docket No. MICRON.374A :

This is a decision on the petition under 37 CFR 1.182 to withdraw a Terminal Disclaimer, filed March 16, 2011.

The petition for withdrawal of a terminal disclaimer is **GRANTED**.

The final Office action of December 29, 2010 included a non-statutory double patenting rejection. In response thereto, applicant filed a terminal disclaimer on March 2, 2011. Petitioner requests that the terminal disclaimer now be withdrawn.

Petitioner indicates that the terminal disclaimer was ineffective as there was no common ownership of the prior patent and the instant application at the time the terminal disclaimer was filed. Review of Office assignment records confirm this fact.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
PO BOX 7021
TROY, MI 48007-7021

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Bernd Schwank et al.	:	
Application No. 11/831,130	:	Decision Refusing to Accord
Filed: July 31, 2007	:	Status Under 37 CFR 1.47(a)
Attorney Docket No. MBT-18402/03	:	
For: Radiant Tube Heater	:	

This is a decision on the petition under 37 CFR 1.47(a) filed October 29, 2007. The Office regrets the delay in the issuance of the instant decision.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

Facts

The instant petition is accompanied by a declaration signed by three of the four inventors. The three signing inventors have assigned their interests in the application to Schwank Ltd.

Schwank Ltd. sent Tibor Virag various forms, including the declaration, were sent to Virag as party of an e-mail on July 25, 2007. The petition states a copy of the July 25, 2007 e-mail is attached to the petition as Exhibit B.

Virag sent an e-mail to Schwank Ltd. on August 8, 2007, indicating he would sign any required forms. The e-mail provided Schwank Ltd. with an updated mailing address for Virag. The petition states a copy of the August 8, 2007 e-mail is attached to the petition as Exhibit C.

The petition states Schwank Ltd. sent new forms to petitioner on August 14, 2007.

The petition states, after failing to receive a reply from Virag, Schwank Ltd. asked Virag to sign the forms on August 28, 2007. The petition then states, "See Exhibit D."

Discussion

A grantable petition under 37 CFR 1.47(a) requires

- (1) Proof the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
- (2) A proper oath or declaration executed by the available joint inventor(s),
- (3) The fee of \$200 as specified in 37 CFR 1.17(g), and
- (4) The last known address of the non-signing inventor(s).

The instant petition fails to satisfy item (1).

Petitioner has failed to demonstrate Virag was ever sent a copy of the application.

An inventor is unable to sign a declaration stating he or she has "reviewed and understands the application papers" when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. In addition, until an inventor reviews the papers and reads the specification and claims, an inventor cannot know if he or she is actually an inventor of the claimed invention. In view of the previous discussion, Office policy requires a copy of an application be presented to an inventor in order to establish refusal to sign a declaration. The petition fails to establish the non-signing inventor was presented with a copy of the application papers. Therefore, the petition cannot be granted.

If a copy of the application has never been sent to Virag, petitioner should send a copy of the application and a declaration to the inventor along with instructions setting a deadline for the return of a signed declaration. The letter to the inventor should state that, if petitioner receives no reply from the inventor, petitioner will interpret the lack of reply as a refusal to sign the declaration. This sort of ultimatum lends support to a finding of refusal by conduct when a response is not received from an inventor. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, telegram, etc.

Petitioner has failed to provide a copy of any correspondence sent to Virag.

Although the petition includes references to Exhibits B, C, and D, a review of the file and the Electronic Acknowledgment Receipt corresponding to the papers filed October 29, 2007, fail to indicate any exhibits were filed with the petition.

The petition states a communication was mailed to Virag on August 14, 2007. However, a copy of the communication has not been filed.

A petition under 37 CFR 1.47 must include a copy of relevant communications sent to, or received from, a non-signing inventor. Specifically, MPEP 409.03(d)(II) states, "If there is

documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.”

As previously stated, the petition is not accompanied by a copy of all relevant documentary evidence in so far as a copy of Exhibits B-D and a copy of the August 14, 2007 communication have not been filed. Therefore, the petition cannot be granted.

The petition does not include a statement of facts by an individual with firsthand knowledge of the facts cited in the petition.

The petition includes several references to actions taken by Schwank Ltd. However, the petition fails to identify the individual who take the actions and is not accompanied by a statement from the individual.

MPEP 409.03(d)(I) states, “The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted.”

The petition is not accompanied by a statement from a person with firsthand knowledge of the facts alleged in the petition. Therefore, the petition cannot be granted.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code “PET.OP” should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



UNITED STATES PATENT AND TRADEMARK OFFICE

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PO BOX 7021
TROY, MI 48007-7021

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Bernd Schwank et al.	:	Decision Noting Joinder of Inventor and
Application No. 11/831,130	:	Decision Dismissing Any Request for
Filed: July 31, 2007	:	Status Under 37 CFR 1.47 as Moot
Attorney Docket No. MBT-18402/03	:	

Papers filed February 14, 2011, in response to a Decision refusing to accord status under 37 CFR 1.47(a) mailed January 25, 2011, include a Declaration signed by the previously non-signing inventor in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under Rule 1.47(a) is unnecessary.

Therefore, the petition is **dismissed as moot**.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and will prepare the application for issuance as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: **TI-62459**

Patent Number: **7,667,548**

Filing Date
(or 371(b) or (f) Date): **07-31-2007**

Issue Date: **02/23/2010**

First Named
Inventor: **Herbert Meier**

Title: **OSCILLATION MAINTENANCE CIRCUIT FOR HALF DUPLEX TRANSPONDER**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / **Wade J. Brady III /**

Date **August 12, 2010**

Name
(Print/Typed) **Wade J. Brady III**

Registration Number **32,080**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/20/2010

Applicant	: Herbert Meier	: DECISION ON REQUEST FOR
Patent Number	: 7667548	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/831,213	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **187** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FlashPoint Technology and Withrow & Terranova
100 Regency Forest Drive
Suite 160
Cary NC 27518

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of :
Gregory M. Evans, et al. :
Application No. 11/831,228 : DECISION GRANTING PETITION
Filed: July 31, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1104-169 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 5, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 21, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2454 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SUITE 3400
CHICAGO IL 60661

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SEP 08 2010

OFFICE OF PETITIONS

In re Patent No. 7,586,378
Issued: September 8, 2009
Application No. 11/831,399
Filed: July 31, 2007
Atty. Dkt. No.: 18564US02

:
: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT UNDER
: 37 CFR 1.705(d)
:
:

This is a decision on the "REQUEST FOR RECONSIDERATION OF USPTO RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH," filed May 21, 2010.

The above-identified application matured into U.S. Patent No. 7,586,378 on September 8, 2009. A Request for PTA Recalculation in View of Wyeth was filed March 5, 2010. A decision on the request was mailed May 21, 2010. Patentee herein contests the reduction of 42 days patent term assessed in accordance with 37 CFR 1.704(c)(10).

As the instant request pertains to a matter which was required to be filed within two months of the date of issuance of the patent, it is inappropriate to seek reconsideration at this time. The Request for PTA Recalculation in View of Wyeth is a remedy for Patentees who received a decision from the USPTO under the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). The remedy is appropriate if the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A).

The instant request seeks reconsideration of a reduction under 37 CFR 1.704(c)(10). Such a request for reconsideration was required to have been filed pursuant to 37 CFR 1.705(d) within two months of the date of issuance of the patent and must have included the required fee.

As the instant request for reconsideration of patent term adjustment was submitted more than two months after the date of issuance of the patent, the request is deemed untimely submitted within the meaning of 37 CFR 1.705(d).

Accordingly, the application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is DISMISSED AS UNTIMELY.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under

35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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MOTOROLA, INC.
Penny Tomko
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

MAILED

JAN 11 2011

In re Application of	:	OFFICE OF PETITIONS
Jeffrey D. Bonta et al.	:	
Application No. 11/831,413	:	DECISION ON PETITION
Filed: July 31, 2007	:	
Attorney Docket No. CML04549AHN	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 1, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 1, 2010. Accordingly, the date of abandonment of this application is December 2, 2010. A Notice of Abandonment was mailed on December 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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LGCHEM
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of :
Park, et al. :
Application No. 11/831,516 : DECISION ON PETITION
Filed: 31 July, 2007 :
Attorney Docket No. LGCHEM 3.0-017 CIP I :

This is a decision on the petition filed on 26 January, 2011, seeking to “correct the declaration in abandoned U.S. Patent Application Serial No. 11/831,516”—the ‘516 application, the instant application pursuant to 37 C.F.R §1.182.

NOTES:

As Petitioner notes, this application went abandoned (upon request and fee for extension of time) after midnight 29 September, 2010, for failure to file a reply to the 29 March, 2010, Office action (Requirement for Restriction).

Petitioner recites that a continuation in part was filed as Application No. 12/893,176 on 29 September, 2010.

Thus, the instant application stands abandoned.

Accordingly, the petition considered pursuant to 37 C.F.R §1.182 is **DISMISSED**.

BACKGROUND

Petitioner Kelly Y. Hwang (Reg. No. 51,831) stated on petition pursuant to 37 C.F.R §1.182 (filed with fee) that to she sought to “correct the declaration in abandoned U.S. Patent

Application No. 11/831,516

Application Serial No. 11/831,516”¹ because “[d]uring the pendency of the ‘516 application it was discovered that the declaration [dated 31 May, 2007] was defectively executed.”²

Petitioner:

- Submitted with the petition (and fee) a fully executed oath/declaration that does not appear to alter the inventive entity, although the paper form of the oath/declaration is different from that originally submitted and the citizenship information formerly specified as “Korean” was specified upon the most recent submission “Republic of Korea”;
- Submitted with the petition (and fee) an Application Data Sheet (ADS);
- Acknowledged that the instant application is abandoned;
- Did not detail the Petitioner’s identification of nature of the defective execution.

A review of the record reflects that as of this writing it contains the oath/declaration and the ADS submitted by Petitioner on 26 January, 2011.

Out of an abundance of caution, Petitioners always are reminded that:

- the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)); and
- those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.³

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

¹ Petition of 1 January, 2011, at page 1.

² Petition of 1 January, 2011, at page 2.

³ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner’s duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 11/831,516

CONCLUSION

Accordingly, the petition considered pursuant to 37 C.F.R. §1.182 is **DISMISSED as moot**. The fee is not refunded in that the petition was not necessitated by any error on the part of the Office.

The instant application is released to IFW Files Repository

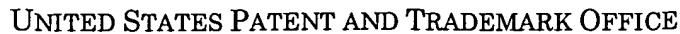
Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



**LGCHEM
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTILIK, LLP
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090**

MAILED

AUG 30 2011

In re Application of	:	OFFICE OF PETITIONS
HONG-KYU PARK et al	:	
Application No. 11/831,522	:	DECISION ON PETITION
Filed: July 31, 2007	:	
Attorney Docket No. LGCHEM 3.0-017 CIP II	:	

The petition is **DISMISSED**.

In view of the above, the petition under § 1.182 cannot be granted.

Further correspondence with respect to this matter should be addressed as follows:

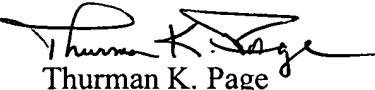
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**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions



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600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of :
HONG-KYU PARK et al :
Application No. 11/831,530 : **DECISION ON PETITION**
Filed: July 31, 2007 :
Attorney Docket No. LGCHEM 3.0-017 CIP II :

This is a decision on the petition under 37 CFR 1.182, filed, January 26, 2011, requesting to correct a Declaration as originally filed.

The petition is **DISMISSED**.

Petitioner on July 31, 2007 filed a Declaration dated May 31, 2007. Subsequently it was discovered that the Declaration dated May 31, 2007 was improperly executed. A new and properly signed Declaration was obtained on November 17, 2010. Petitioner now submits the Declaration and a Supplemental Application Data Sheet and request substitution.

A review of the application indicates that the application was statutorily abandoned on October 3, 2010. No Petition to Revive has been received. Hence, because of the status of the application as abandoned, the petitioner's request to substitute a Declaration cannot be granted.

In view of the above, the petition under § 1.182 cannot be granted.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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By hand: Customer Service Window
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions



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Paper No.

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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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FEB 24 2011

OFFICE OF PETITIONS

In re Application of :
Esin Tersioglu :
Application No. 11/831,538 : ON APPLICATION FOR
Filed: July 31, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. :
15417US03 :

This is in response to the "APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)," filed on December 20, 2010, which is treated as a petition under 37 CFR 1.705(b). Applicants submit that the patent term adjustment to be indicated on the patent should be increased from 0 days to 222 days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue the patent.

The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office

can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3231.

A handwritten signature in dark ink, appearing to read "D. Wood", is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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GANZ LAW, P.C.
P O BOX 2200
HILLSBORO OR 97123

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of
LEWY, Alfred J.
Application No. 11/831,544
Filed: July 31, 2007
Attorney Docket No. LEW-2.001.US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 18, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Bradley Ganz on behalf of all attorneys of record who are associated with customer No. 22874. All attorneys/agents associated with the Customer Number 22874 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Alfred Lewy at the address indicated below. There is an outstanding Office action mailed April 18, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **ALFRED LEWY**
14047 SE FAIROAKS WAY
MILWAUKIE OR 97267



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SEP 26 2011
OFFICE OF PETITIONS

In re Patent No. 7,976,377 :
Roukis : DECISION ON
Issue Date: July 12, 2011 : REQUEST FOR
Application No. 11/831,568 : RECONSIDERATION OF
Filed: July 31, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 75114-011300 :
(18288US02) :

This is a decision on the "APPLICATION FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b) INDICATED IN THE PATENT (37 CFR § 1.705(d)), " filed September 12, 2011, requesting that the patent term adjustment determination for the above-identified patent be changed from one hundred and forty (140) days to one hundred and forty-three (143) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one hundred and forty-two (142) days is **GRANTED to the extent indicated herein.**

On July 12, 2011, the above-identified application matured into US Patent No. 7,976,377 with a patent term adjustment of 140 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Patentee requests recalculation of the patent term adjustment on two bases: the inclusion of the day on which a Request for Continued Examination (RCE) was filed in the over three year

period, and the removal of a two-day reduction due to applicant delay.

Regarding the first issue that is in dispute, Patentee disputes when the RCE-cutoff should commence. The Office maintains that the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, and therefore the over three year period begins on July 31, 2010 and ends on December 20, 2010, the day before the first RCE was filed, which amounts to 142 days. See U.S.C. 154(b)(1)(B)(i).

Patentee argues that the day on which the RCE was filed should be included in the period of B-delay. As such, Patentee argues that the over three period begins on July 31, 2010 and ends on December 21, 2010, the day on which the RCE was filed, which amounts to 143¹ days.

The Office holds that the day on which the RCE was filed is not included in the over three year period.

37 C.F.R. § 1.703(b)(1) sets forth, in toto:

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods:

(1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed (emphasis added) and ending on the date the patent was issued;

It follows that the proper manner of calculating the RCE-cutoff is to terminate the over three-year period on the day before the RCE was filed, since 37 C.F.R. § 1.703(b)(1) expressly states that the day on which the RCE was filed is not included in the over three-year period.

Regarding the second issue that is in dispute, Patentee disputes the period of reduction of 2 days entered for applicant delay, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b). This reduction has been reconsidered, and it is determined that

¹ Petition, page 3.

entry of a reduction for this reply timely filed pursuant to 35 U.S.C. § 21(b) is not warranted.

It follows that the patent term adjustment totals 142 (323 examination delay plus 142 B delay minus 323 applicant delay) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. To the extent that Patentees dispute the effect of the RCE-cutoff on the B delay, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,² hand-delivery,³ or facsimile.⁴ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁵

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred and forty-two (142) days**.

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

³ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁴ (571) 273-8300: please note this is a central facsimile number.

⁵ <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Patent No. 7,976,377

Application No. 11/831,568

Page 4

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3225.

/Paul Shanowski/

Paul Shanowski

Senior Attorney

Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,976,377 B2

DATED : July 12, 2011

DRAFT

INVENTOR(S) : Roukis

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 140 days

Delete the phrase "by 140 days" and insert – by 142 days--



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United States Patent and Trademark Office
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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application of :
Sung Kee Park :
Application No. 11/831,595 : DECISION GRANTING PETITION
Filed: July 31, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 29936/40219A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 9, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 29, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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TOMAS FRIEND, LLC
886 Indian Rock Road
Strasburg VA 22641

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Kapil Pant et al. :
Application No. 11/831,613 : **DECISION ON PETITION**
Filed: July 31, 2007 :
Attorney Docket No. CFDRCb017 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed August 13, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 13, 2007. The Notice of Abandonment was mailed on September 9, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the replies received July 6, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 2, 2012

In re Application of :

Kapil Pant

Application No : 11831613

Filed : 31-Jul-2007

Attorney Docket No : CFDRcbet017

DECISION ON REQUEST TO WITHDRAW AS

ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 2, 2012

The request is **APPROVED**.

The request was signed by Tomas Friend (registration no. 54789) on behalf of all attorneys/agents associated with Customer Number 53371 . All attorneys/agents associated with Customer Number 53371 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name CFD Research Corporation
Name2 Att.: Vincent Harrand
Address 1 215 Wynn Drive
Address 2 Suite 501
City Huntsville
State AL
Postal Code 35805
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11831613	
Filing Date	31-Jul-2007	
First Named Inventor	Kapil Pant	
Art Unit	1776	
Examiner Name	RICHARD CHIESA	
Attorney Docket Number	CFDRCbet017	
Title	Electrostatic Aerosol Concentrator	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 53371		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	CFD Research Corporation Att.: Vincent Harrand	
Address	215 Wynn Drive Suite 501	
City	Huntsville	
State	AL	
Postal Code	35805	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Tomas Friend/
Name	Tomas Friend
Registration Number	54789

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110429

DATE : April 29, 2011

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7,904,846

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/JACK CHIANG/
Supervisory Patent Examiner.Art Unit 2825

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110429

DATE : April 29, 2011

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7,904,846

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/JACK CHIANG/
Supervisory Patent Examiner, Art Unit 2825

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120410

DATE : April 10, 2012

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction on Patent No.: 8,105,800

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/ROBERT MONDESI/
Supervisory Patent Examiner.Art Unit 1652



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2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110-1083

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Jun Yuan, et al. :
Application No. 11/831,798 : DECISION GRANTING PETITION
Filed: July 31, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 50277-3336 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 30, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 16, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2158 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SEAGER, TUFTE & WICKHEM, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS MN 55403-2420

MAILED

MAR 28 2012

OFFICE OF PETITIONS

In re Application of	:	
Peterman et al.	:	DECISION ON PETITION
Application No. 11/831,802	:	TO WITHDRAW
Filed: July 31, 2007	:	FROM RECORD
Attorney Docket No. 1292.1383102	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed February 24, 2012, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Sprinkle IP Law Group does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Sprinkle IP Law Group not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Additionally, the address given on the request differs from the address of record, therefore, a courtesy copy of this decision is being mailed to the address given on the request; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is an outstanding Office action mailed November 25, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705



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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Cleary et al.	:	
Application No. 11/831,817	:	Decision Refusing to Accord
Filed: July 31, 2007	:	Status Under 37 C.F.R. § 1.47(a)
Attorney Docket No. Vought-3	:	

This is a decision responding to the "Declaration of Facts in Support of Filing on Behalf of Omitted Inventors (37 C.F.R. § 1.47)," which is being treated as a petition under 37 C.F.R. § 1.47(a).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

Facts

The application was filed July 31, 2007.

On November 7, 2007, Vought Aircraft Industries, Inc. ("Vought") sent a letter to Peter Janicki at Janicki Industries, Inc. ("Janicki Inc."). The letter stated, with emphasis added,

Vought acknowledges that you and/or other employees at Janicki participated in development of aspects of the invention embodied in the patent application. This letter is [a formal] *request that Janicki agree [the relevant employees will] execute assignments of their rights in the invention....*

[The contract between Janicki and Vought] obligates the appropriate Janicki employees to *execute an assignment* of their rights in the invention set forth in the patent application....

Janicki's *obligation to assign* the invention to Vought will not be tied to initiation of [the previously referenced] business relationship....

Vought requests that Janicki notify Vought in writing within ten (10) days of receipt of this letter whether it agrees to ... *execute the appropriate assignment and declaration* documents.

The record fails to indicate any enclosures were mailed with the November 7, 2007 letter.

The November 7, 2007 letter was signed by Andy J. Barter, an employee of Vought.

The instant petition and a declaration were filed December 13, 2007. The declaration identifies the following inventors:

1. William R. Cleary Jr.,
2. Brian K. Fling,
3. Thomas H. Mann II,
4. Peter Janicki,
5. Ed West,
6. Brian Holmes, and
7. Fred Smithers.

The petition states inventors Cleary, Fling, and Mann were employed by Vought. Inventors Cleary, Fling, and Mann signed the declaration.

The petition states inventors Janicki, West, Holmes, and Smithers were employed by Janicki Inc. Inventors Janicki, West, Holmes, and Smithers have not signed the declaration.

The declaration does not identify the citizenship for any of the non-signing inventors.

The petition identifies mailing addresses for the four non-signing inventors and indicates the addresses are believed to be current mailing addresses for each of the four non-signing inventors.

The Office mailed a Notice of Informal Application on December 19, 2007, which stated, with emphasis in the original,

This application is considered to be informal since it does not comply with the regulations for the reason(s) indicated below. [A time] period ... to correct the informalities noted below and to avoid abandonment is set in the accompanying Office action....

A new oath or declaration ... is required [because the] oath or declaration does not comply with 37 CFR 1.63 in that it:

- does not identify the citizenship of each inventor.

Although the December 19, 2007 notice referred to an accompanying Office action, an Office action was not actually mailed with the notice.

Office records fail to indicate the Office has ever received any form of response to the December 19, 2007 notice.

Discussion

A grantable petition under 37 C.F.R. § 1.47(a) requires

1. Proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
2. A proper oath or declaration executed by the available joint inventor(s),
3. The fee of \$200 as specified in 37 C.F.R. § 1.17(g), and
4. The last known address of the non-signing inventor(s).

The instant petition fails to satisfy the first two requirements set forth above.

The Petition Fails to Establish Inventor Janicki Refused to Sign the Declaration

Office policy requires a copy of an application be presented to an inventor in order to establish refusal to sign a declaration. In other words, a petitioner must establish the inventor was able to sign the declaration but refused to sign the declaration. An inventor is unable to sign a declaration stating he or she has “reviewed and understands the application papers” when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. In addition, until an inventor reviews the papers and reads the specification and claims, an inventor cannot know if he or she is actually an inventor of the claimed invention. The petition fails to establish Janicki was presented with a copy of the application papers. Therefore, the record is insufficient to prove Janicki has refused to sign the declaration.

Even if Janicki had been presented with a copy of the application papers, Janicki’s failure to respond to the November 7, 2007 letter would be insufficient to establish a refusal by Janicki to sign the declaration. The record fails to indicate a copy of the declaration was mailed with the November 7, 2007 letter. In other words, the letter appears to request Janicki agree to sign a declaration, which is a legal document which would be signed under the penalty of perjury, prior to being given any opportunity to review the document in order to learn the statements and information that will be set forth in the declaration. Perhaps Janicki’s conduct can be interpreted as a refusal to agree to sign the declaration. However, an individual’s refusal to agree to sign a declaration the individual has never seen is not the equivalent of a refusal to sign the document.

Petitioner should send a copy of the application and the declaration to Janicki along with instructions setting a deadline for the return of the declaration. The letter to the inventor should state that, if Petitioner receives no reply from the inventor, Petitioner will interpret the lack of reply as a refusal to sign the declaration. This sort of ultimatum lends support to a finding of

refusal by conduct when a response is not received from an inventor. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, telegram, etc.

The November 7, 2007 letter primarily focuses on arguing Janicki should agree to assign rights in the invention to Vought, implies Vought is requesting Janicki agree to sign a declaration as part of the process of assigning rights in the invention to Vought. In fact, the letter explicitly states the letter is intended to be a formal request for Janicki to agree he, as well as other relevant employees at Janicki Inc., will *sign assignment documents*. As a result, Janicki may have failed to recognize he and other employees had the option of signing the declaration without signing an assignment documents. Any future letter sent to Janicki should include the letter includes language informing Janicki that signing the declaration will not automatically assign his rights in the invention to any other party and will not obligate Janicki to assign any of Janicki's rights in the invention to any other party.

Petitioner may wish to note, when a non-signing inventor expressly refuses to sign a declaration, such a fact, along with the time and place of the refusal, must be stated in an affidavit or declaration *by the party to whom the refusal was made*. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration. *If the non-signing inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.*

The Petition Fails to Establish Inventors West, Holmes, and Smithers
Refused to Sign the Declaration

In order for a petition under 37 CFR 1.47 to be granted, a petition must establish the following for each non-signing inventor:

1. Despite diligent effort, the non-signing inventor cannot be found, or
2. The non-singing inventor refused to sign the oath/declaration.

The record clearly fails to establish the West, Holmes, and Smithers could not be found in view of the fact the petition explicitly sets forth mailing addresses for the three inventors. Therefore, the Office must determine whether or not the record demonstrates the three inventors have refused to sign the declaration.

The record fails to indicate any party has ever requested West, Holmes, or Smithers sign any declaration related to the instant application. In fact, the record fails to indicate the three individuals are even aware of the existence of the application. Therefore, the record does not establish West, Holmes, and Smithers have refused to sign the declaration.

Petitioner should send a copy of the application and the declaration to each of the three inventors along with instructions setting a deadline for the return of a signed copy of the declaration. The letter sent to each inventor should state that, if Petitioner receives no reply from the inventor, Petitioner will interpret the lack of reply as a refusal to sign the declaration. This sort of

ultimatum lends support to a finding of refusal by conduct when a response is not received from an inventor. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, etc.

The Declaration Filed December 13, 2007 Fails to Identify the Citizenship of All the Inventors

35 U.S.C. § 115 states, "The applicant shall make oath that he believes himself to be the original and first inventor ... and shall state of what country he is a citizen."

35 U.S.C. § 25 allows one to file a declaration in lieu of an oath, but does not remove the requirement that the declaration/oath include the citizenship of each inventor.

37 C.F.R. § 1.63(a)(3) states, "An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must ... [i]dentify the country of citizenship of each inventor."

In view of the statutory and regulatory language quoted above, a declaration must identify the citizenship of each inventor.

The December 13, 2007 declaration fails to provide the citizenship of any of the four non-signing inventors. Therefore, the declaration cannot be accepted.

Any request for reconsideration should include a supplemental declaration setting forth the citizenship of all the inventors. If Petitioner cannot obtain the signature of one of the prior signing inventors for the supplemental declaration, a petition under 37 C.F.R. § 1.183 requesting waiver of the need for the inventor's signature on the supplemental declaration should be filed.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 29 2010

OFFICE OF PETITIONS

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

In re Application of	:	
Scott C. Deskin et al.	:	
Application No. 11/831,859	:	DECISION ON PETITION
Filed: July 31, 2007	:	
Attorney Docket No. T-6642	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 08, 2010, to revive the above-identified application.

The petition is **GRANTED**.

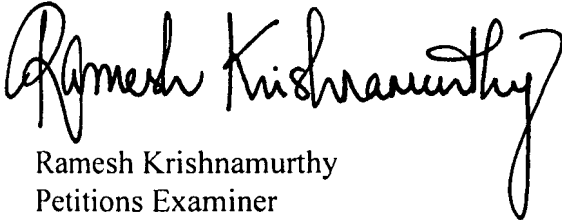
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 10, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/795,937.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first letter 'R' being particularly large and stylized.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **PENNY L. PRATER**
6001 BOLLINGER CANYON ROAD
SAN RAMON CA 94583-2324

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/17/2011 Paper No.: _____

TO SPE OF : ART UNIT 2862

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/831864 Patent No.: 7777945 B2

CofC mailroom date: 2/9/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE

2862
Art Unit



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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of
Hee, et al.

Application No. 11/831,896

Filed: 31 July, 2007

Attorney Docket No. T-6907

:
:
:
:
:

DECISION

This is a decision on the petition, filed on 20 May, 2011, to revive pursuant to 37 C.F.R. §1.137(b) and alleging abandonment due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects that:

Applicant, failed to reply timely and properly to a final Office action mailed on 30 September, 2010, with reply due absent an extension of time on or before 30 December, 2010.

The application went abandoned after midnight 30 December, 2010.

(For reasons unrevealed in the record of the time, Petitioner sought to file on 11 March, 2011, (but without any other papers) a disclaimer to overcome double patenting—which matter is reserved to the Examiner.)

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 20 May, 2011, Petitioner filed a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment, and made the statement of unintentional delay.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).² The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³))

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 11/831,896

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1775 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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Paper No.

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re Application of :
Scholier et al. : DECISION ON PETITION
Application No. 11/831,910 :
Filed: July 31, 2007 :
Attorney Docket No. T-6850 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B) filed March 11, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to file a timely and proper reply to the final Office action mailed August 19, 2010. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply filed and no extension of time obtained, the application became abandoned effective November 20, 2010. A courtesy Notice of Abandonment was mailed on February 28, 2011.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes a proposed reply in the form of a terminal disclaimer, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). However, the instant petition does not satisfy requirement (1) above.

As stated in MPEP 711.03(c),

A reply under 37 CFR 1.113 to a final action must include a request for continued examination (RCE) under 37 CFR 1.114 or cancellation of, or appeal from the rejection of, each claim so rejected. Accordingly, in a nonprovisional application abandoned for failure to reply to a final action, the reply required for consideration of a petition to revive must be:

- (A) a Notice of Appeal and appeal fee;
- (B) an amendment under 37 CFR 1.116 that cancels all the rejected claims or otherwise prima facie places the application in condition for allowance;
- (C) the filing of an RCE (accompanied by a submission that meets the reply requirements of 37 CFR 1.111 and the requisite fee) under 37 CFR 1.114 for utility or plant applications filed on or after June 8, 1995 (see paragraph (d) below); or
- (D) the filing of a continuing application under 37 CFR 1.53(b) (or a CPA under 37 CFR 1.53(d) if the application is a design application).

The terminal disclaimer submitted does not place the application in condition for allowance. The examiner's Advisory Action is enclosed. In view thereof, the petition must be dismissed.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Advisory Action

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 11/831,910	Applicant(s) SCHOLIER ET AL.	
	Examiner LATOSHA HINES	Art Unit 1775	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants previous arguments have been considered but are not persuasive and do not overcome the prior art. Applicant did not amend the claims to place the application in condition for allowance. The filed terminal disclaimer would overcome the non-statutory double patenting rejection. However, applicants have not provided any amendments or remarks for the presently claimed invention deemed sufficient to overcome the applied 103(a) rejection. Presently, Rosenbaum meets the limitations of the presently claimed invention.



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Paper No.

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
Scholier et al. : DECISION ON PETITION
Application No. 11/831,910 :
Filed: July 31, 2007 :
Attorney Docket No. T-6850 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B) filed May 20, 2011.

The petition is DISMISSED.

The above-identified application became abandoned effective November 20, 2010 for failure to file a timely and proper reply to the final Office action mailed August 19, 2010. A courtesy Notice of Abandonment was mailed on February 28, 2011.

By decision mailed April 25, 2011, the initial petition filed March 11, 2011 was dismissed. The petition included a proposed reply in the form of a terminal disclaimer, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). The proposed reply was not sufficient to satisfy 1.113(c) and revive this application.

On renewed petition, petitioner submitted a Request for Continued Examination (RCE) and submission under §1.114 (in the form of a copy of application No. 13/112,548). Unfortunately, a prior application is not a proper submission under 37 CFR 1.114.

Thus, it is concluded that petitioner has not provided the required reply after final rejection necessary to revive the

above-identified application. The petition is therefore dismissed.

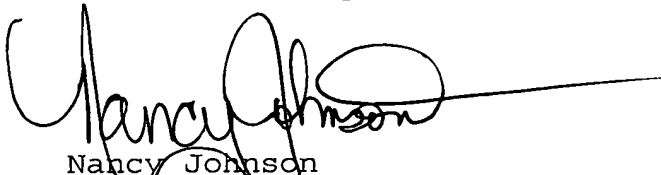
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Paper No.

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of :
Scholier et al. : DECISION ON PETITION
Application No. 11/831,910 :
Filed: July 31, 2007 :
Attorney Docket No. T-6850 :

This is a decision on the renewed PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed July 22, 2011.

The renewed petition is **GRANTED**.

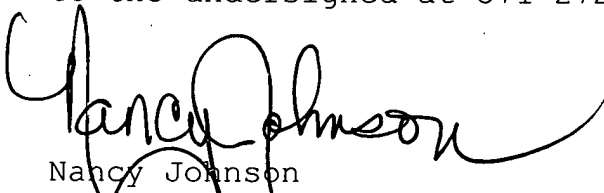
The above-identified application became abandoned effective November 20, 2010 for failure to file a timely and proper reply to the final Office action mailed August 19, 2010. A courtesy Notice of Abandonment was mailed on February 28, 2011.

By decision mailed April 25, 2011, the initial petition filed March 11, 2011 was dismissed. The petition included a proposed reply in the form of a terminal disclaimer, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). The proposed reply was not sufficient to satisfy 1.113(c) and revive this application. By decision mailed April 25, 2011, the first renewed petition filed March 11, 2011 was dismissed. Petitioner submitted a Request for Continued Examination (RCE) and submission under §1.114 (in the form of a copy of application No. 13/112,548). This reply was not proper as a prior application is not a proper submission under 37 CFR 1.114.

On July 22, 2011, applicant filed this second renewed petition seeking revival solely for continuity purposes. Applicant identified the continuation applications as U.S. Serial Numbers 13/045,816 filed March 11, 2011 and 13/112,548 filed March 20, 2011.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of the continuation applications (No. 13/045,816 and 13/112,548), received March 11, 2011 and March 20, 2011 respectively.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

MAILED

DEC 28 2010

OFFICE OF PETITIONS

In re Application of
Mark W. Publicover
Application No. 11/831,919
Filed: July 31, 2007
Attorney Docket No. 4859-76400-02

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2010, to revive the above-identified application.

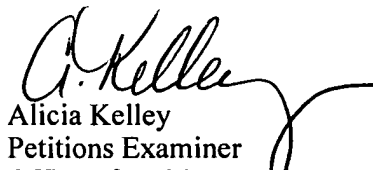
The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 18, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the date of abandonment of this application is August 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application number 12/899,421.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.


Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON DC 20001

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Application of	:	
MACGREGOR	:	
Application No. 11/831,949	:	DECISION ON PETITION
Filed: July 31, 2007	:	TO WITHDRAW
Attorney Docket No. BOBJ-139/00US 304661-2261	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **NOT APPROVED**.

The Office will either change the correspondence address of record to the most current address information provided for a new practitioner or law firm who has filed a proper power of attorney, the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office, the request to withdraw from record cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Patent No. 7,776,154 :
Issue Date: August 17, 2010 :
Application No. 11/832,020 : **DECISION ON REQUEST**
Filed: August 1, 2007 :
Attorney Docket No. 312588US0CONT :

This is a decision on the Request For Certificate Of Correction, filed October 22, 2010, requesting correction on the Title Page of the subject patent to correct assignee's name. The Request was filed as a Request Under 37 CFR §1.322(a) for which no fee is required. A completed Certificate of Correction Form (PTO 1050) was submitted with the Petition.

The Request under 37 CFR §1.322(a) is **REFUSED**.

Requestor urges that the present Request was submitted to correct assignee's name on the previously submitted PTOL-85B and that such error was fault of the Office. A review of the PTOL-85B filed July 7, 2010 reveals, in Item 3, Assignee Name and Residence Data To Be Printed on The Patent, shows that "Picogiga International SAS, Courtaboeuf, France" was identified thereon.

Section 1481.01, Correction of Assignees' Names, of the Manual of Patent Examining Procedures (MPEP) states, in part:

"The Transmittal Form portion (PTOL-85B) of the Notice of Allowance provides a space (item 3) for assignment data which should be completed... Assignment data printed on the patent will be based solely on the information so supplied."

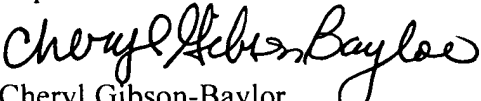
Notwithstanding the content of the (1) Supplement Application Data Sheet or (2) republished application, the Office correctly identified the name of the assignee in accordance with the information that was identified in Item 3 of the PTOL-85b, supra. As such, the error alleged by Requestor was not caused by the Office. Accordingly, issuance of the requested Certificate of Correction is not appropriate.

Correction of the Assignee Information on Title Page under 37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]).

A review of the Office records for the above-identified patent shows that no assignment was recorded before issuance of the patent. Petitioner did not make the statement that an assignment was being submitted for recordation in the above-identified patent before issuance of the patent. The Issue Fee Transmittal Form (PTO 85B) clearly reveals that the name of the assignee to be printed on the patent was ***Picogiga International SAS*** and the alleged error was ***not*** attributed to the U.S. Patent Office. As such, it is appropriate to refuse the present Request.

Inquiries related this communication should be directed to the undersigned at (571) 272-3213.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED
JUN 24 2011

OFFICE OF PETITIONS

In re Patent No. 7,776,154 :
Issue Date: August 17, 2010 :
Application No. 11/832,020 : DECISION ON REQUEST
Filed: August 1, 2007 :
Attorney Docket No. 312588US0CONT :

This is a decision on the Petition For Certificate Of Correction Under 37 CFR § 1.183, filed June 15, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form submitted with Petition.

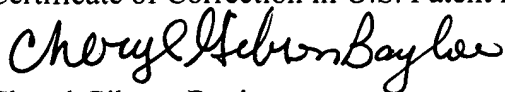
U.S. Patent No. 7,776,154
Application No. 11/832,020
Decision on Petition under 37 CFR §3.81(b)

Page 2

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,776,154.

A handwritten signature in black ink, reading "Cheryl Gibson-Baylor". The signature is written in a cursive, flowing style.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of
Keerthinarayan P. Heragu, et al.
Application No. 11/832,036
Filed: August 1, 2007
Attorney Docket No.: TI-63571

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 25, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 7, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 7, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 8, 2010. A Notice of Abandonment was subsequently mailed on December 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,510 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

MAILED

JUN 14 2011

In re Application of
Troudt
Application No. 11/832,046
Filed: August 1, 2007
Attorney Docket No. 870247.404

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OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on June 6, 2011.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a proper response to a non-final Office Action, which was mailed on March 2, 2010. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on June 3, 2010. A Notice of Abandonment was mailed on September 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$810.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business on the reply received.

Charlema Grant
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

FEB 11 2011

OFFICE OF PETITIONS

In re Application of: :
Sucher et al. :
Application No. 11/832088 :
Filing or 371(c) Date: 08/01/2007 :
Title of Invention: :
METHOD OF MANUFACTURING A :
SEMICONDUCTOR DEVICE HAVING :
IMPROVED TRANSISTOR PERFORMANCE :

DECISION GRANTING
PETITION UNDER
37 CFR 1.47(a)

This Decision is in response to the Petition to the Commissioner, filed August 27, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The petition is properly treated under 37 CFR § 1.47(a).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Joshua J. Hubregsen, refuses to join in the application or cannot be found or reached after diligent effort.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. JOSHUA J. HUBREGSEN
12009 COIT ROAD, APT. 2339M
DALLAS TX 75251

MAILED
FEB 11 2011
OFFICE OF PETITIONS

In re Application of: :
Sucher et al. :
Application No. 11/832088 : **LETTER**
Filing or 371(c) Date: 08/01/2007 :
Title of Invention: :
METHOD OF MANUFACTURING A :
SEMICONDUCTOR DEVICE HAVING :
IMPROVED TRANSISTOR PERFORMANCE :

Dear Mr. Hubregsen:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

CC: MR. JOSHUA J. HUBREGSEN
701 THOMAS COURT
SOUTHLAKE TX 76092



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

FEB 10 2011

In re Application of:	:	OFFICE OF PETITIONS
Sucher et al.	:	
Application No. 11/832088	:	DECISION GRANTING
Filing or 371(c) Date: 08/01/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.137(b)
METHOD OF MANUFACTURING A	:	
SEMICONDUCTOR DEVICE HAVING	:	
IMPROVED TRANSISTOR PERFORMANCE	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed November 6, 2008.

This Petition is hereby **granted**.

A Notice to File Missing Parts of Nonprovisional Application ("Notice"), was mailed August 16, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a petition under 37 CFR 1.47(a) in response to the Notice. The petition was dismissed in a Decision mailed October 16, 2007. The Decision set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply to the Decision having been received, the application became abandoned December 17, 2007. A Notice of Abandonment was mailed September 9, 2008.

Applicant files the present petition, and a grantable petition in response to the Decision. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form a grantable petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for continued processing of the application in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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United States Patent and Trademark Office
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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of:	:	
Peachey et al.	:	
Application No. 11/832114	:	DECISION DISMISSING
Filing or 371(c) Date: 08/01/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
UNLATCH FEATURE FOR LATCHING	:	
ESD PROTECTION CIRCUIT	:	

This is in response to the Petition Under 37 C.F.R. 1.47 for Nonsigning Inventor, filed August 1, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The petition is properly treated under 37 C.F.R. 1.47(a).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 1.47(a)"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on August 1, 2007, and included the present petition. Applicant provides that the application was sent to the nonsigning inventor, and returned as undeliverable. A copy of the mailing is attached as Exhibit B. A review of Exhibit B reveals that the copy of the page that includes the Certified Mailing label has been annotated "Don't live here."

Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), Applicant is advised that, where an inventor is unavailable (cannot be reached), Petitioner must establish the exercise of diligent effort in trying to find or reach the nonsigning inventor. A statement of facts should be submitted from a person with first hand knowledge of the facts relied upon that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor. *See*, MPEP § 409.03(d). At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed petition. It is important that the forthcoming communication contain statements of fact as opposed to conclusions. *See*, MPEP § 409.03(d).

Further as to item (1), the MPEP provides:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

Analysis

Applicant has not presented evidence of a bona fide effort to present copy of the application papers to the non-signing inventor. Absent an express refusal to join in the application, Applicant must present a copy of the application papers to the nonsigning inventor. The MPEP further provides

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

MPEP 409.03(d).

Analysis/conclusion

Applicant must establish the exercise of diligent effort in trying to find or reach the nonsigning inventor. A statement of facts should be submitted from a person with first hand knowledge of the facts relied upon that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor. *See*, MPEP § 409.03(d). At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed petition.

The petition is dismissed without prejudice. Applicant is advised to file a Request for Reconsideration of Petition and include the necessary statements of facts and copies of searches and results.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of:	:	
Peachey et al.	:	
Application No. 11/832114	:	DECISION GRANTING
Filing or 371(c) Date: 08/01/2007	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
UNLATCH FEATURE FOR LATCHING	:	
ESD PROTECTION CIRCUIT	:	

This is in response to the Request for Reconsideration of Petition Under 37 C.F.R. 1.47 for Nonsigning Inventor, filed January 17, 2011, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The petition is properly treated under 37 C.F.R. 1.47(a).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby **accorded Rule 1.47(a) status**.

Petitioner has shown that the non-signing inventor, Carlos Gamero, refuses to join in the application or cannot be found or reached after diligent effort.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Publishing Division for processing into a patent in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. CARLOS GAMERO
3644 LAUREL BLUFF CIRCLE
HIGH POINT, NORTH CAROLINA 27265

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of: :
Peachey et al. :
Application No. 11/832114 : **LETTER**
Filing or 371(c) Date: 08/01/2007 :
Title of Invention: :
UNLATCH FEATURE FOR LATCHING :
ESD PROTECTION CIRCUIT :

Dear Mr. Gamero:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518



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BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO IL 60690-2786

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of

KEPPEL, Wolf-Dieter

Application No. 11/832,226

Filed: August 01, 2007

Attorney Docket No. **48293-108472**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Grant Peters on behalf of all attorneys of record who are associated with customer No. 23644. All attorneys/agents associated with the Customer Number 23644 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

The application became abandoned for failure to timely pay the issue fee and publication fee indicated in the Notice of Allowance and Fee(s) Due mailed October 27, 2010.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **ABEO, LLC C/O JAMES EGGERS, PRESIDENT**
9850 NICHOLAS STREET
SUITE 300
OMAHA NE 68114



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 30 2011

OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,985,755	:	DECISION ON APPLICATION FOR
Issued: July 26, 2011	:	PATENT TERM ADJUSTMENT
Application No. 11/832,255	:	
Filing or 371(c) Date: August 1, 2007	:	
Dkt. No.: 21907-0005001	:	

This is a decision on the application for patent term adjustment under 37 CFR 1.705(d) filed on September 26, 2011 requesting a decrease in patent term adjustment from 69 days to 208 days.

The petition for reconsideration of the patent term adjustment is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,985,755 on July 26, 2011. The patent issued with a patent term adjustment of 69 days. The instant application for patent term adjustment was timely filed September 26, 2011.

Patentee disputes the period of reduction totaling 152 days for applicant delay with respect to the pre-allowance submissions and argue that the correct period of applicant delay is 147 days.

With respect to the period of applicant delay totaling 152 days, patentees' arguments have been carefully considered, but are hereby **DISMISSED AS UNTIMELY**.

Patentees are advised that any request for reconsideration under 37 CFR 1.705(d) that raises issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR 1.705(b) shall be dismissed as untimely as to those issues. As applicant delay contested by patentees could have been raised under 37 CFR 1.705(b), patentees' request for reconsideration of said reduction is dismissed as untimely.

Patentees also dispute the zero days accorded pursuant to 37 CFR 1.703(b) and assert that the correct period of adjustment in this regard is 134 days. Patentees' arguments have been considered, but not found persuasive.

35 USC 154(b)(1)(B) states in relevant part:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including — (i) any time consumed by continued examination of the application requested by the applicant under section 132(b).

37 CFR 1.702(b) states in relevant part:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including: (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b).

37 CFR 1.703(b) states in relevant part:

The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods: (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Accordingly, in the instant matter, and in compliance with the provisions of law and rules set forth above, the period of adjustment under § 1.702(b) is zero days, the period from March 1, 2010, the date that the RCE was filed, to July 26, 2011, the date that the patent issued, being excluded from the period of adjustment under 37 CFR 1.702(b).

In view thereof, no adjustment to the patent term will be made.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,985,755	:
Issued: July 26, 2011	: DECISION ON REQUEST FOR
Application No. 11/832,255	: RECONSIDERATION OF
Filing or 371(c) Date: August 1, 2007	: PATENT TERM ADJUSTMENT
Atty. Dkt. No.: 21907-0005001	:

This is a decision on the request for reconsideration of decision mailed September 30, 2011 with respect to the application for patent term adjustment under 37 CFR 1.704(d) filed September 26, 2011. This request, filed November 28, 2011, is deemed timely filed within the meaning of 37 CFR 1.181(f).

RELEVANT BACKGROUND

Patentees request that a decision on this request for reconsideration of patent term adjustment be deferred or delayed until after a final decision has been rendered in Abbott Biotherapeutics Corp v. Kappos, 1:2010cv01853 (D.D.C. 2010).

The request is hereby **DENIED**.

The above-identified application matured into U.S. Patent No. 7,985,755 on July 26, 2011 with a revised patent term adjustment of 69 days. On September 30, 2011, a decision on patentees' application for patent term adjustment under 37 CFR 1.705(d), filed September 26, 2011, was mailed. The decision under 37 CFR 1.705(d) mailed September 30, 2011 dismissed patentees' request for increase in patent term adjustment from 69 days to 208 days.

Patentees herein request that the patent term adjustment for the above-identified patent be increased from 69 days to 209 days (221 days pursuant to 37 CFR 1.703(a) plus 134 days pursuant to 37 CFR 1.703(b) less 146 days of applicant delay pursuant to 37 CFR 1.704(b)).

37 CFR 1.704(b)

With respect to the contention that the period of applicant delay is 147 days and not 152 days, patentees contend that the reductions of 93 days and 59 days under 37 CFR 1.704(b) should be corrected to 90 days and 56 days respectively. Patentees assert that the Office erred in that the

periods of reduction include days upon which the USPTO was closed for business due to federal holidays.

RELEVANT STATUTES

In accordance with 37 CFR 1.704(b):

With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

In accordance with 37 CFR 1.705(d):

Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

DECISION

It is undisputed that the reductions contested herein occurred prior to the mailing of the Notice of Allowance on March 15, 2011. The record does not establish that the reductions now contested were raised prior to or at the time of submission of the issue fee. As the period of reductions contested by patentees could have been raised in an application for patent term adjustment under 37 CFR 1.705(b), the request with respect to said reductions is properly deemed untimely submitted within the meaning of 37 CFR 1.705(d).

37 CFR 1.703(b)

Patentees maintain that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentees contend that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, patentees argue that subsequent to the filing of the request for continued examination on March 1, 2010, examination of the application closed on March 15, 2011, the date upon which the Notice of Allowance was mailed. Thus, patentees argue that no continued examination took place during the 134 day period from March 15, 2011 (the mailing date of the Notice of Allowance) until July 26, 2011 (the date the patent was issued). As such, patentees maintain that the "B delay" should include the 134 days and be increased from zero days to 134 days. Thus,

patentees conclude that the correct patent term adjustment is 209 days (221 days pursuant to 37 CFR 1.703(a) plus 134 days pursuant to 37 CFR 1.703(b) less 146 days of applicant delay pursuant to 37 CFR 1.704(b)).

RELEVANT STATUTES

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –

- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
- (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
- (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

- (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
- (2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
- (3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

DECISION

Patentees' arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as zero days based on the application having been filed under 35 USC 111(a) on August 1, 2007 and the patent not having issued as of August 2, 2010, the day after the date that is three years after the date that the application was filed, and a request for continued examination under 132(b) having been filed on March 1, 2010. In other words, the 134-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

- (a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:
 - (1) Payment of the issue fee, unless a petition under § 1.313 is granted;
 - (2) Abandonment of the application; or
 - (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.
- (b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

examination is filed to the date the patent is issued is proper. Patentees do not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See, Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentees' argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70; 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent:

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. Websters Collegiate Dictionary, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See, 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See, 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in BlackLight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See, BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See, In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See, 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See, 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See, 37 CFR 1.114(a)(1): As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

CONCLUSION

For the above-stated reasons, a review of the petition and file wrapper of the above-identified patent reveals that the above-identified patent is not entitled to a patent term extension or

³ Note, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

Patent No. 7,985,755

9

adjustment of 209 days. Therefore, the petition to change the patent term adjustment indicated on the above-identified patent to 209 days is DENIED.

This decision may be viewed as final agency action. See, MPEP 1002.02(b).

Telephone inquiries specific to this matter should be directed to Attorney Advisor Alesia M. Brown at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Anthony Knight", is written over the printed name.

Anthony Knight
Director
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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SUITE 301A
354A TURNPIKE STREET
CANTON MA 02021-2714

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OFFICE OF PETITIONS

In re Application of :
Oded Rabin et al. :
Application No. 11/832,309 : **DECISION ON PETITION**
Filed: August 1, 2007 :
Attorney Docket No. MIT-109BUS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 13, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 13, 2010. Accordingly, the date of abandonment of this application is October 14, 2010. A Notice of Abandonment was mailed on October 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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GEN PROBE INCORPORATED
10210 GENETIC CENTER DRIVE
Mail Stop #1 / Patent Dept.
SAN DIEGO CA 92121

In re Application of :
Becker et al. :
Application No. 11/832,367 :
Filed: August 1, 2007 : DECISION ON PETITION
Attorney Docket No. GP196-02.UT : UNDER 37 C.F.R. § 1.137(B)
Title: METHODS OF NONSPECIFIC :
TARGET CAPTURE OF NUCLEIC ACIDS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed April 28, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

A final Office action was mailed on September 9, 2010, which set a shortened statutory period for reply of three months. An after-final amendment was received on January 7, 2011 along with a one-month extension of time so as to make timely the submission, and an advisory action was mailed on January 14, 2011. No additional extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on January 10, 2010. A notice of abandonment was mailed on April 11, 2011.

On April 28, 2011, Petitioner filed, *inter alia*, a Request for Continued Examination (RCE) along with the associated fee, an amendment, the petition fee, and the proper statement of unintentional delay. The amendment filed on April 28, 2011 has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on April 28, 2011 - can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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OFFICE OF PETITIONS

In re Application
Thomas Baker
Application No. 11/832,468
Filed: August 1, 2007
Attorney Docket No. 18570US02

:
:
: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:

This is in response to the APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705) filed January 28, 2011. Applicant requests that the determination of patent term adjustment be corrected from 589 to 871 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in Wyeth v. Kappos, 2009-1120 (Fed. Cir. 1-7-2010).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment

and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

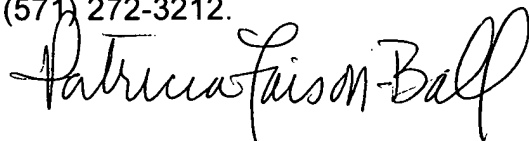
Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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SEP 01 2010

OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
Behner, et al.	:	
Application No. 11/832,481	:	DECISION GRANTING PETITION
Filed: August 1, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 018280-000800US	:	

This is a decision on the petition, filed May 24, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in the PCT on August 1, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

This application is being forwarded to the Office of Data Management for further processing

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petition

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/832,481	08/01/2007	Mark R. Behner	018280-000800US

CONFIRMATION NO. 6152

NONPUBLICATION RESCISSION
LETTER



20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 08/31/2010

**Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/09/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kathornton mclaughl/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/832,514	08/01/2007	Robin Dommisce	AGMI001US0	6209
7590 04/29/2011 HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C. 919 Congress Avenue, Suite 919 AUSTIN, TX 78701			EXAMINER NGUYEN, KIMBINH T	
			ART UNIT	PAPER NUMBER
			2628	
			MAIL DATE	DELIVERY MODE
			04/29/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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April 29, 2011

HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C.
919 Congress Avenue
Suite 919
AUSTIN TX 78701

In re Application of	:	
Dommissie, Robin et al	:	DECISION ON PETITION
Application No. 11/832,514	:	
Filed: 08/01/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. AGMI001US0	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 09, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



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MORRISON & FOERSTER, LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Application of
Philip A. Jennings, et al.
Application No. 11/832,553
Filed: August 1, 2007
Attorney Docket No. 229752003901

:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 13, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on August 26, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No.

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas Baker	:	
Application No. 11/832,598	:	ON APPLICATION FOR
Filed: August 1, 2007	:	PATENT TERM ADJUSTMENT
Atty Docket No. 18563US02	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b)" filed December 17, 2010. Applicant submits that the correct patent term adjustment to be indicated on the patent is seven hundred eighty-seven (787) days, not five hundred forty-seven (547) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As

such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

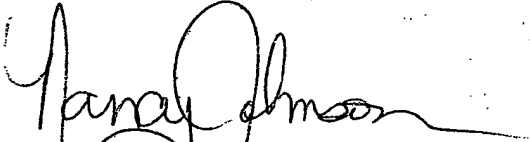
The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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TRAN & ASSOCIATES
P.O. BOX 68
SARATOGA, GA 95071-0068

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of :
Bao TRAN :
Application No. 11/832,735 : **DECISION ON PETITION**
Filed: August 2, 2007 :
Docket No. AFL-051 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 17, 2009, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

As requested, the correspondence address of record has been changed. All future communications from the Office will be directed to the address indicated above until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-3700.

This application is being referred to Technology Center AU 3766 for appropriate action by the Examiner in the normal course of business.

/dgc/

Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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**GIBSON & DERNIER LLP
SUITE 504,
900 ROUTE 9 NORTH
WOODBRIIDGE NJ 07095**

MAILED

FEB 03 2012

OFFICE OF PETITIONS

In re Application of
Carl T. Brighton
Application No. 11/832,790
Filed: August 2, 2007
Attorney Docket No. 663/15

**DECISION ON PETITION
TO WITHDRAW FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Matthew B. Dernier, on behalf of all attorneys/agents of record who are associated with Customer Number 27538.

All attorneys/agents associated with the Customer Number 27538 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed January 20, 2012 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: GeneStim, LLC
46 Parsonage Hill Road
Short Hills, NJ 07078



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DUKE W. YEE
P.O. BOX 802333
YEE & ASSOCIATES, P.C.
DALLAS TX 75380

MAILED

NOV 22 2010

In re Application of	:	OFFICE OF PETITIONS
Belisario, et al.	:	DECISION GRANTING STATUS
Application No. 11/832,821	:	UNDER 37 CFR 1.47(a)
Filed: August 2, 2007	:	
Atty. Dkt. No.: SVL920070048US1	:	
For: EXTENSIBLE MECHANISM FOR	:	
AUTOMATICALLY MIGRATING	:	
RESOURCE ADAPTER COMPONENTS IN	:	
A DEVELOPMENT ENVIRONMENT	:	

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed February 14, 2008.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESLIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Adriana Loghin
4794 Brandywine Dr.
Boca Raton, FL 33487-2108

In re Application of
Belisario, et al.
Application No. 11/832,821
Filed: August 2, 2007
Atty. Dkt. No.: SVL920070048US1
For: EXTENSIBLE MECHANISM FOR
AUTOMATICALLY MIGRATING RESOURCE
ADAPTER COMPONENTS IN A
DEVELOPMENT ENVIRONMENT

MAILED

NOV 22 2010

OFFICE OF PETITIONS

Dear Madam:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: DUKE W. YEE
P.O. BOX 802333
YEE & ASSOCIATES, P.C.
DALLAS TX 75380



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

MAR 03 2011

OFFICE OF PETITIONS

In re Application of	:	
IBRAHIM et al.	:	
Application No. 11/832,844	:	DECISION ON PETITION
Filed: 08/02/2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 18371US02	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of the prior-filed nonprovisional application.

The petition is **GRANTED**.

A petition for acceptance of a delayed benefit claim under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2618 for consideration by the examiner of applicant's entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed application.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/832,844	08/02/2007	2618	1962	18371US02	33	3

CONFIRMATION NO. 6837

CORRECTED FILING RECEIPT



OC000000046303799

23446

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Date Mailed: 03/03/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Brima Ibrahim, Aliso Viejo, CA;
John Walley, Ladera Ranch, CA;
Scott Bibaud, Santa Ana, CA;
Bojko Marholev, Irvine, CA;
Prasan Pai, Mission Viejo, CA;
Siukai Mak, Poway, CA;

Power of Attorney: The patent practitioners associated with Customer Number 23446

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/895,665 03/19/2007
and is a CIP of 11/755,395 05/30/2007 PAT 7,869,779

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 08/15/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/832,844**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method And System For Detecting Channels Suitable For FM Transmission In An Integrated FM Transmit/Receive System

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED
OCT 15 2010

OFFICE OF PETITIONS

In re Application of
Byoung Hoon LIM
Application No. 11/832,909
Filed: August 2, 2007
Attorney Docket No. 312792US8

NOTICE PURSUANT TO
37 CFR § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-7353.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



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MAY 23 2011

OFFICE OF PETITIONS

**CAMERON IP
SUITE 1401 – 1166 ALBERNI STREET
VANCOUVER BC V6E 3Z3 CA CANADA**

In re Application of
WONG, et al
Application No. 11/832,911
Filed: August 2, 2007
Attorney Docket No. 1057P88US

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 20, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is December 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on March 8, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account. No. 50-2036.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that

such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center 3611 for further processing in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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RAYTHEON COMPANY
C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP
354A TURNPIKE STREET
SUITE 301A
CANTON, MA 02021

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Patent No. 7,773,028 :
Issue Date: August 10, 2010 :
Application No. 11/832,973 : DECISION ON PETITION
Filed: August 2, 2007 :
Attorney Docket No. RTN-342AUS :

This is a decision on the petition, filed, December 14, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is Raytheon Canada Limited, petitioner further states that the assignee's name was not correctly identified on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that Raytheon Canada Limited was the assignee of record before issuance of the patent. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it is appropriate for a certificate of correction to be processed.

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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SCHWEGMAN LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

AUG 06 2010

In re Application of
David J. Grainger et al
Application No. 11/833,022
Filed: August 2, 2007
Attorney Docket No. 1543.011US1

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 15, 2010.


The request is **APPROVED**.

The request was signed by Janet Embretson on behalf of the practitioners of record associated with Customer Number 21186.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Cambridge Enterprise Limited at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Cambridge Enterprise Limited
The Old Schools, Trinity Lane
Cambridge CB2 1TS, United Kingdom



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/833,022	08/02/2007	David J. Grainger	1543.011US1

CONFIRMATION NO. 7138

POWER OF ATTORNEY NOTICE



Date Mailed: 08/06/2010

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/15/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/833,022	08/02/2007	David J. Grainger	1543.011US1

Cambridge Enterprise Limited
The Old Schools, Trinity Lane
Cambridge, CB2 1TS
UNITED KINGDOM

CONFIRMATION NO. 7138
POA ACCEPTANCE LETTER



Date Mailed: 08/06/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/15/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/10/11

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No. 11/833031 7928235B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Should the change(s)
Be made?

RoChau Johnson

Certificates of Correction Branch

571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Janet L. Andres/
SPE

1625
Art Unit



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Paper No.

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

OCT 18 2010

In re Application of	:	OFFICE OF PETITIONS
Mirzaei et al.	:	
Application No. 11/833,048	:	ON APPLICATION FOR
Filed: 08/02/2007	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
18644US01	:	

This is in response to the "APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)," filed on August 9, 2010, which is treated as a petition under 37 CFR 1.705(b). Applicants request that the determination of patent term adjustment be increased from 561 days to 667 days. Applicants request this correction solely on the basis that the Office will issue the patent on November 16, 2010.

The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of

issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", written in a cursive style.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: 05NP33653612

Application
Number: 11/833,053

Filing Date
(or 371(b) or (f) Date): AUGUST 2, 2007

Patent Number: 7,659,685

Issue Date: FEBRUARY 9, 2010

First Named
Inventor: Nicola CESARIO

Title: METHOD OF ESTIMATING THE STATE OF A SYSTEM AND RELATIVE DEVICE FOR ESTIMATING POSITION AND SPEED OF THE ROTOR OF A BRUSHLESS MOTOR

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature


PAUL J. DITMYER

Date AUGUST 6, 2010

Name
(Print/Typed)

PAUL J. DITMYER

Registration Number 40,455

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

Mail Date: 08/12/2010

Applicant	: Nicola Cesario	: DECISION ON REQUEST FOR
Patent Number	: 7659685	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/833,053	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **361** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/21/12

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction for Appl. No.: 11833053 Patent No.: 7659685

CofC mailroom date: 03/12/12

Please respond to this request for a certificate of correction within 7 days.


FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580


Note: **Should the changes be made? Yes**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Walter Benson/ _____ **2837**

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/21/12

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction for Appl. No.: 11833053 Patent No.: 7659685

CofC mailroom date: 03/12/12

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Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes be made?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/21/12

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction for Appl. No.: 11833053 Patent No.: 7659685

CofC mailroom date: 03/12/12

Please respond to this request for a certificate of correction within 7 days.

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Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes be made?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

WALTER BENSON *WB*
SUPERVISORY PATENT EXAMINER

2837

SPE

Art Unit



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United States Patent and Trademark Office
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www.uspto.gov

FOLEY HOAG, LLP
Patent Group
World Trade Center West
155 Seaport Blvd.
Boston, MA 02110

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of	:	
John Bailey Adger III, et al.	:	
Application No. 11/833,064	:	DECISION ON PETITION
Filed: August 2, 2007	:	TO WITHDRAW
Attorney Docket No. SFSF/0010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley Hoag, LLP has been revoked by the assignee of the patent application on March 10, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **GREENBERG TRAURIG, LLP**
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932



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ROSHARON TX 77583

MAILED

AUG 11 2011

OFFICE OF PETITIONS

In re Application of :
Laurent Alteirac et al. :
Application No. 11/833,081 :
Filed: August 2, 2007 :
Attorney Docket No. 68.0606 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed October 25, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 26, 2011. A Notice of Abandonment was mailed on June 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the reply received July 27, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Fred G. Pruner, Jr.
1616 S. Voss Road
Suite 750
Houston, TX 77057



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MAY 27 2011

OFFICE OF PETITIONS

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

In re Application of
Bhami C. Shenoy, et. al.
Application No. 11/833,082
Filed: August 2, 2007
Attorney Docket No. ALTH-002/02US 307255-
2021

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

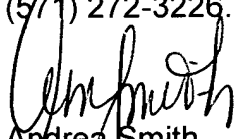
This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed May 6, 2011.

The request is **MOOT**.

A review of the file record indicates that power of attorney to Jessica Wolfe and all the attorneys/agents associated with Customer Number 58249 was revoked by the assignee of the above application on May 19, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001